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RULES OF PRACTICE

IN THE

UNITED STATES PATENT OFFICE.

SEPTEMBER, 1875.



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Washington
Government printing office

1875

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RULES OF PRACTICE
IN THE
UNITED STATES PATENT OFFICE.

UNITED STATES PATENT OFFICE,
September 1, 1875.

The following information and regulations, designed to be in strict accordance with the revised, consolidated, and amended law relating to patents for inventions and designs, and to trade-marks, are published for gratuitous distribution.

Copious forms, to which inventors and attorneys are recommended to conform as nearly as possible, will be found in an appendix.

Printed copies of the revised and amended law may also be obtained by applying to the Patent Office.

WHO MAY OBTAIN A PATENT.

1. Any person, whether citizen or alien, being the original and first inventor or discoverer of any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent for his invention or discovery, subject to the conditions as to public use and abandonment hereinafter named. Who may obtain patents.

2. In case of the death of the inventor, the patent may be applied for by, and will issue to, his executor or administrator. In case of an assignment of the whole interest in the invention, or of the whole interest in the patent if granted, the patent will issue to the assignee, upon the request of the latter, or his assignor; and so, if the assignee holds an undivided part interest, the patent will, upon a similar request, issue jointly to him and the inventor; but the assignment must first have been entered of record, and at a day not later than the date of the payment of the final fee; and the application must be duly made, and the specification sworn to by the inventor. Who, if inventor dies or assigns.

3. Joint inventors are entitled to a joint patent; neither can claim one separately; but the independent inventors of separate and independent improvements in the same machine cannot obtain a joint patent for their separate inven- Of joint inventors.

tions; nor does the fact that one man furnishes the capital and the other makes the invention entitle them to take out a joint patent.

What will bar
a patent.

4. A patent will not be granted to an applicant if what he claims as new has been, before his invention, patented or described in any printed publication in this or any foreign country, or been invented or discovered in this country, nor if he has once abandoned his invention, nor if it has been in public use or on sale more than two years previous to his application.

When knowl-
edge of invention
abroad is no bar.

5. If it appears that the inventor, at the time of making his application, believes himself to be the first inventor or discoverer, a patent will not be refused on account of the invention or discovery, or any part thereof, having been known or used in any foreign country before his invention or discovery thereof, it not appearing that the same, or any substantial part thereof, had before been patented or described in any printed publication.

Of prior knowl-
edge or use.

6. Merely conceiving the idea of an improvement or machine is not an "invention" or "discovery." The invention must have been reduced to a practical form, either by the construction of the machine itself, or of a model thereof, or by making a drawing of it, or by such disclosure of its exact character that a mechanic, or one skilled in the art to which it relates, can and does, from the description given, construct the improvement, or a model thereof, before it will prevent a subsequent inventor from obtaining a patent.

MODE OF PROCEEDING TO OBTAIN A PATENT.

APPLICATION.

What is requir-
ed in an applica-
tion.

7. No application for a patent can be placed upon the files for examination until the fee is paid, the specification and the petition and oath are filed, and the drawings and a model or specimens (when required) are furnished. The application must be completed and prepared for examination within two years after the filing of the petition; and, in default thereof, or upon failure of the applicant to prosecute the same within two years after any action thereon, of which notice shall have been mailed to him or his agent, it shall be regarded as abandoned, unless it be shown, to the satisfaction of the Commissioner, that such delay was unavoidable.

It is desirable that everything necessary to make the application complete should be deposited in the Office at the same time.

If otherwise, a letter should accompany each part, stating to what application it belongs, and giving the date thereof.

For all purposes of Office practice, the date of an application for a patent will be fixed at the time when *the first fee has been paid, an acceptable drawing or model received, and a specification, properly signed, witnessed, and sworn to, filed.* When application takes date. After such date, and during the pendency of an application, either the drawing or model (but not both at the same time) may be withdrawn for correction, but the specification will not be permitted to be withdrawn for any purpose whatever.

8. The application and oath must be made by the actual inventor, if alive, even if the patent is to issue to an assignee; but where the inventor is dead, the application and oath must be made by his executor or administrator. Application and oath, by whom made.

9. The application must be in writing, in the English language, and addressed to the Commissioner of Patents. Of drawing applications. The petition and specification must be separately signed by the applicant. The specification, claims, and all amendments must be written in a fair, legible hand; otherwise, the Office may require them to be printed; and all interlineations or erasures should be clearly marked in a marginal or foot note written on the same sheet of paper. All the papers constituting the application should be attached together. Legal-cap paper is deemed preferable, and a wide margin should always be left upon the left-hand side of the page.

10. The applicant, if the inventor, must make oath or affirmation that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen, and of what a resident. If the application be made by an executor or administrator, the form of the oath will be correspondingly changed. The oath or affirmation may be made before any person within the United States, authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent, holding commission under the Government of the United States, or before any notary public of the foreign country in which the applicant may be, the oath being attested in all cases, in this and other countries, by the proper official seal of such notary. Oath, and its nature.

Oath to amend-
ments.

11. In case the applicant by amendment seeks to introduce any claim or claims, not substantially embraced in the original affidavit, he will be required to file a supplemental oath relative to the invention as covered by such new or enlarged claim or claims; and such supplemental oath must be upon the same paper which contains the proposed amendment.

SPECIFICATION.

Specifications,
their requisites.

12. The specification is a written description of the invention or discovery, and of the manner and process of making, constructing, compounding, and using the same, and is required to be in such full, clear, concise, and exact terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same. It must be followed by a specific and well-defined claim of the part, improvement, or combination which the applicant regards as his invention or discovery.

Further requi-
sites.

13. Where there are drawings, the specification should refer by letters and figures to the different parts; and it must set forth the precise invention for which a patent is claimed, explaining the principle thereof and the best mode in which the applicant has contemplated applying that principle, so as to distinguish it from other inventions.

Specifications
must point out
improvements.

14. In all applications for patents upon mere improvements the specification must particularly point out the part or parts to which the improvement relates, and must by explicit language distinguish between what is old and what is claimed as the improvement, so that the Office and the public may understand exactly for what the patent is granted; and in such cases the description and the drawings, as well as the claims, should be confined to the specific improvement and such parts as necessarily co-operate with it.

Application
must embrace but
one invention.

15. Two or more separate and independent inventions cannot be claimed in one application; but where several inventions relating to the same subject are *necessarily* connected each with the other, they may be so claimed.

If more, one
must be elected.

16. If more than one invention is claimed in a single application, and they are found to be of such a nature that a single patent may not be issued to cover the whole, the

Office will require the inventor to confine the description and claim of the pending application to whichever invention he may elect; the other inventions may be made the subject of separate applications.

17. The specification must be signed by the inventor, or by his executor or administrator, and must be attested by two witnesses. Full names must be given, *and all names, whether of applicants or witnesses, must be legibly written.* Specifications, how signed and witnessed.

DRAWINGS.

18. The applicant for a patent is required by law to furnish a drawing of his invention, where the nature of the case admits of it. Drawings to be furnished.

19. Three several editions of patent drawings are printed and published: one for Office use, certified copies, &c., of the size and character of those attached to patents, the work being about 6 by 9½ inches; one reduced to half that scale, or one-fourth the surface, of which four will be printed on a page to illustrate the volumes distributed to the courts, &c.; and one reduction—to about the same scale—of a selected portion of each drawing, to illustrate the Official Gazette. Three editions published by the Office.

This work will all be done by the photo-lithographic or other analogous process, and in consequence the character of each original drawing must be brought as nearly as possible to a uniform standard of excellence, suited to the requirements of the process, and calculated to give the best results, in the interests of inventors, of the Office, and of the public generally. The following rules will therefore be rigidly enforced, and any departure from them will be certain to cause delay in the examination of an application for letters patent. By what process prepared.

a. Drawings should be made upon paper stiff enough to stand in the portfolios, the surface of which must be calendered and smooth. “Two-sheet” bristol-board, or sheets cut from Whatman’s hot-pressed drawing-paper, “antiquarian” size, are recommended. Paper and ink required for originals.

Indian ink of good quality, to the exclusion of all other kinds of ink or color, must be employed, to secure perfectly black and solid work.

b. The size of a sheet on which a drawing is made should be exactly 10 by 15 inches. One inch from its edges a single marginal line is to be drawn, leaving Dimensions.

the "sight" precisely 8 by 13 inches. Within this margin all work and signatures must be included. One of the smaller sides of the sheet is regarded as its top, and, measuring downward from the marginal line, a space of not less than $1\frac{1}{4}$ inch is to be left blank for the insertion of title, name, number, and date. The signatures will be placed in a space left at the bottom of the sheet.

Quality of work.

c. All drawings must be made with the pen only, using the blackest Indian ink. Every line and letter, (signatures included) must be *absolutely black*. This direction applies to all lines, however fine, to shading, and to lines representing cut surfaces in sectional views. All lines must be clean, sharp, and solid, and they must not be too fine or crowded. Surface shading, when used, should be left very open. Sectional shading should be by oblique parallel lines, which may be about one-twentieth of an inch apart. The usual reduction will bring them to about one-sixtieth of an inch distance.

Perspicuity,
shading, &c.

d. Drawings should be made with the fewest lines possible consistent with clearness. By observing this rule the effectiveness of the work after reduction will be much increased. Shading (except on sectional views) should be used only on convex and concave surfaces, where it should be used sparingly, and may even there be dispensed with if the drawing is otherwise well executed. The plane upon which a sectional view is taken should be indicated on the general view by a broken or dotted line. Heavy lines on the shade sides of objects should be used, except where they tend to thicken the work and obscure letters of reference. The light is always supposed to come from the upper left-hand corner, at an angle of forty-five degrees.

Imitations of wood or surface-graining must never be attempted.

Scale.

e. The scale to which a drawing is made ought to be large enough to show the mechanism without crowding, and two or more sheets should be used if one does not give sufficient room to accomplish this end; but the number of sheets must never be increased unless it is absolutely necessary. On the other hand, when an invention is simple and easily understood, it should be shown on a small scale, and unnecessary space should not be occupied, even on a single sheet.

It often happens that an invention, although constituting but a small part of a machine, has yet to be

represented in connection with other and much larger parts. In such cases a general view on a small scale is recommended, with one or more of the invention itself on a much larger scale.

f. Letters of reference must be well and carefully formed; they are of the first importance. When at all possible, no letter of reference should measure less than one-eighth of an inch in height, that it may bear reduction to one-twenty-fourth of an inch, and they may be much larger when there is sufficient room. Letters of reference.

Reference letters must be so placed in the close and complex parts of drawings as not to interfere with a thorough comprehension of the same, and to this end should rarely cross or mingle with the lines. When necessarily grouped around a certain part, they should be placed at a little distance, where there is available space, and connected by short broken lines with the parts to which they refer. They must never appear upon shaded surfaces, and, when it is difficult to avoid this, a blank space must be left in the shading where the letter occurs, so that it shall appear perfectly distinct and separate from the work.

If the same part of an invention appears in more than one figure, it should always be represented by the same letter.

When it is necessary to turn a drawing upon its side in reading a certain figure, its number and reference letters should be made to correspond, and should be so placed that the sheet will be turned to the right.

g. The signature of the inventor is to be placed at the lower right-hand corner of the sheet, and the signatures of the witnesses at the lower left-hand corner, all within the marginal line. (See specimen sheet.) The title should be written with pencil on the back of the sheet. The permanent names and title will be supplied subsequently by the Office in uniform style. Signatures and title.

When figures are larger than the width of the sheet, the latter is turned on its side, and the space for heading will be left at the right, and that for the signatures at the left, occupying the same space and position as in the upright subjects, so that the heading and names will read right when the drawing is held in an upright position. Arrangement of figures, &c.

Special figure
for Official Ga-
zette

h. As a rule, one view only of each invention can be shown in the Gazette illustrations. The selection of that portion of a drawing best calculated to explain the nature of the specific improvement would be facilitated, and the final result improved, by the judicious execution of a figure with express reference to the Gazette, but which might, at the same time, act as one of the figures referred to in the specification. For this purpose, the figure may be a plan, elevation, section, or perspective view, according to the judgment of the draughtsman. It must not cover a space exceeding sixteen square inches. All its parts should be especially open and distinct, with very little or no shading, and it must illustrate the invention claimed only, to the exclusion of all other details. (See Fig. I, opposite page 42.) When well executed, it will be used without curtailment or change; but any attempt at excessive fineness, crowding, or unnecessary elaborateness of detail, will insure its rejection for Gazette purposes.

How transmit-
ted.

i. Drawings should be rolled for transmission to the Office, not folded.

To contain
nothing irrele-
vant.

No agent's nor attorney's stamp, nor any written address, will be permitted upon the face of a drawing within or without the marginal line.

These rules do not apply to drawings for designs and trade-marks, as the Office does not duplicate these. (See Rules for Designs and Trade-Marks.)

Conformity of
drawings to
rules, how en-
forced.

20. The foregoing rules relating to drawings will be rigidly enforced; and all drawing not artistically executed in conformity therewith will be returned to the respective applicants, or, at the applicant's option and cost, the Office will make the necessary corrections.

Specimen draw-
ings furnished.

21. A specimen drawing, illustrating arrangement, style, and quality of work, will be furnished upon request.

New drawings
on reissues.

22. All reissue applications must be accompanied by new thick paper drawings, as in original applications.

Employing art-
ists advised.

23. Applicants are advised to employ competent artists to make their drawings.

MODEL.

Models, when
required.

24. A model will be required in every case where the nature of the invention admits of such illustration, except

in applications upon designs. It must clearly exhibit every feature of the machine which forms the subject of a claim of invention, but should not include other matter than that covered by the actual invention or improvement, unless it is necessary to the exhibition of a working model. When the invention is a composition of matter, a specimen of each of the ingredients and of the composition, properly marked, must accompany the application. What they must show.

25. The model must be neatly and substantially made of durable material, metal being deemed preferable; and should not in any case be more than one foot in length, width, or height. If made of pine or other soft wood, it should be painted, stained, or varnished. Glue must not be used, but the parts should be so connected as to resist the action of heat or moisture. How made.

26. A working model is always desirable, in order to enable the Office fully and readily to understand the precise operation of the machine. Working models desirable.

27. The model, unless it is deemed necessary that it be preserved in the Office, or unless it be otherwise disposed of, may be returned to the applicant upon demand, and at his expense, in all cases where an application has been rejected more than two years; and the model, in any pending case of less than two years' standing, may be returned to the applicant upon the filing of a formal abandonment of the application, signed by applicant in person. Returning models.

28. Models filed as exhibits, in interference and other cases, may be returned to the applicant or otherwise disposed of at the discretion of the Commissioner. Returning exhibits.

THE EXAMINATION.

29. All cases in the Patent Office are classified and taken up for examination in regular order; those in the same class being examined and disposed of, as far as practicable, in the order in which the respective applications are completed. When, however, the invention is deemed of peculiar importance to some branch of the public service, and when, for that reason, the head of some Department of the Government specially requests immediate action, the case will be taken up out of its order. These, with applications for extensions, for reissue, and for letters patent for inventions for which a foreign patent has already been obtained, which cases have precedence over all others, are the only excep- Examinations, order of making.

tions to the above rule in relation to the order of examination. If an application is found to conflict with a caveat, its examination will be suspended as hereinafter provided.

The first step in the examination of any application will be to determine whether it is, in all respects, in proper form. If, however, an objection as to form is not vital, the examiner may proceed to the consideration of the application on its merits; but in such case he must, in his first letter to applicant, state all his objections, whether formal or otherwise.

Attendance of
applicants unnecessary.

30. The personal attendance of the applicant at the Patent-Office is unnecessary. The business can be done by correspondence or by attorney; and if there has been an assignment of the whole or of an undivided part of the invention, the assignee, or, in the latter case, the assignee and the inventor jointly, will be recognized as the proper party to prosecute the application.

Amendments,
when they may
be made.

31. The applicant has a right to amend after the first rejection; and he may amend as often as the examiner presents any new references. After a second rejection, and at any time before the issue of a patent, special amendments may be made on approval by the Commissioner, if sufficient reason therefor be shown. But such amendments must first be submitted to the tribunal last acting on the case, for recommendation or objection. Affidavits in support of applications will not be received at any stage of the examination, unless the Office denies that the device is operative.

Requisites of
amendments.

32. All amendments of the model, drawings, or specification, in the case of original applications which are capable of illustration by drawing or model, must conform to at least one of them as they were at the time of the filing of the application; further changes than this can only be made by filing a new application. If the invention does not admit of illustration by drawing, amendment of the specification may be made upon proof satisfactory to the Commissioner that the proposed amendment is a part of the original invention.

How they must
be drawn.

All amendments of specifications or claims must be made on separate sheets of paper from the original, and must be filed in the manner above directed. Even when the amendment consists in striking out a portion of the specification, or other paper, the same course should be observed. No erasure must be made by the applicant. In

every case of amendment the exact word or words to be stricken out or inserted should be clearly specified, and the precise point indicated where the erasure or insertion is to be made.

33. Whenever, on examination, any claim for a patent is rejected for any reason whatever, the applicant will be notified thereof, and the reasons for such rejection will be given, together with such information and references as may be useful in judging of the propriety of prosecuting his application or of altering his specification; and if, after receiving such notice, he shall persist in his claim for a patent, with or without altering his specification, the case will be re-examined. Proceedings on rejection.

34. Upon the rejection of an application for want of novelty, the examiner must cite the best references at his command, and the applicant will, if he demands it, be entitled to a specific reference (by name, date, and class, or the equivalent thereof) to the article or articles by which it is anticipated. If he desires a copy of the cases so referred to, or of the plates or drawings connected with them, they will be forwarded to him, if in the possession of the Office, on payment of the cost of making such copies. Furnishing specific references. And copies of references.

35. When the rejection of an application is founded upon another case previously rejected, but not withdrawn or abandoned, the applicant will be furnished with all information in relation to the previously-rejected case which is necessary for the proper understanding and management of his own. But this rule does not authorize the citation of pending applications as references. Reference of abandoned case.

36. The specification, especially if the claim be amended, must be amended and revised, if required by the examiner, for the purpose of correcting inaccuracies of description or unnecessary prolixity, and of securing correspondence between the statement and description of the invention and the claim. Mere errors of orthography or of grammatical construction will be corrected by the examiner in charge. Specifications to be corrected as required.

37. The Office will not return specifications for amendment; and in no case will any person be allowed to take any papers, drawings, models, or samples from the Office. If applicants have not preserved copies of such papers as No removing papers. Copies furnished.

they wish to amend, the Office will furnish them on the usual terms.

DATE OF PATENT.

Dating patents;
withheld if final
fee is not paid.

38. Every patent will bear date as of a day not later than six months from the time at which the application was passed and allowed and notice thereof was mailed to the applicant or his agent, and if the final fee (or, in case the fee has been paid to the Treasurer or any of the assistant treasurers, or any of the designated depositaries of the United States, the certificate of deposit) be not received at the Office within that period, the patent will be withheld. The party may, however, obtain a patent upon a new application, as hereinafter provided.

A patent will not be antedated.

WITHDRAWN AND REJECTED APPLICATIONS.

Renewing ap-
plications.

39. When an application for a patent has been rejected and the applicant fails to renew the same, or to file a new one within two years after the date when notice of the last official action was mailed to him or to his agent, his application will be held to have been abandoned.

Any act which calls such rejected application up for farther consideration, within the time mentioned, will be regarded as constituting a renewal.

Fees required
with renewed ap-
plication.

40. When a new application is filed in place of an old one, a new fee will invariably be required.

Delay must be
sufficiently ac-
counted for.

41. Upon the hearing of applications attempted to be renewed after the expiration of the two years after any action thereon, it must be shown to the satisfaction of the Commissioner that such delay was unavoidable.

APPEALS.

Appeals to ex-
aminers-in-chief.

42. Every applicant for a patent or the reissue of a patent, any of the claims of which have twice been rejected, may appeal from the decision of the primary examiner in such case to the board of examiners-in-chief, having once paid a fee of ten dollars. For this purpose a petition in writing must be filed, signed by the party, or his authorized agent or attorney, praying an appeal, and setting forth the reasons upon which the appeal is taken.

Reasons of ap-
peal and answer.

This statement of the reasons of appeal should point out distinctly and specifically the supposed errors of the ex-

aminer's action, and should constitute a brief of the argument upon which the applicant will rely in support of his appeal. Before the appeal is entertained by the board, this statement will be submitted to the primary examiner, who will make answer in writing touching all the points involved therein.

If the appellant desires to be heard orally before the board, he should so indicate when he files his appeal; a day of hearing will then be fixed, and due notice of the same be given him.

43. The examiners-in-chief will consider the case as it was when last passed upon by the primary examiner, merely revising his decisions so far as they were adverse to the appellant. If, however, they discover any reason not given by the examiner, why a patent should not issue, they should make a statement to that effect to the Commissioner. Proceedings on appeal.

If affidavits are received under Rule 31, after the case has been appealed, the application will be remanded to the examiner for reconsideration.

44. There must be two rejections upon the claims as originally filed, or, if amended in a matter of substance, upon the amended claims; and all the claims must be passed upon and all preliminary and intermediate questions must be settled before the case is appealed to the board. Prerequisites to appeal.

Decisions of examiners upon preliminary or intermediate questions, or refusals to act, once repeated, will be re-examined, by the Commissioner in person, upon written application setting forth the grounds of the appeal, and answer thereto by the examiner as in other appeals. For appeals of this class no fee is required. Appeal from examiner to Commissioner.

45. Cases which have been heard and decided on appeal will not be reopened by the examiner without the written authority of the Commissioner; and cases which have been decided by the examiners-in-chief will not be reheard by them, except upon the same authority. Rehearing of appealed cases.

Cases which have been deliberately decided by one Commissioner will not be reconsidered by his successor upon the same state of facts. They may, however, be reopened in accordance with the general principles which govern the granting of new trials.

46. All cases which have been acted on by the board of examiners-in-chief may be brought before the Commissioner in person, upon a written request to that effect, Appeals from examiners-in-chief.

and upon the payment of the fee of twenty dollars required by law.

Appeals to supreme court; proceedings.

47. From an adverse decision upon the claims of an application an appeal may be taken to the Supreme Court of the District of Columbia sitting *in banc*. In taking such appeals the applicant is required, under the rules of the court, to pay to the clerk of the court a docket-fee of ten dollars, and he is also required by law to lay before the court certified copies of all the original papers and evidence in the case. The petition should be filed and the fee paid at least ten days before the commencement of the term of court at which the appeal is to be heard.

Immediately upon taking an appeal the appellant must give notice thereof to the Commissioner of Patents, and file in the Patent-Office his reasons of appeal, specifically set forth in writing.

The docket for the trial of cases appealed from the decision of the Commissioner of Patents will be called on the first day of each session of the supreme court of the District of Columbia in general term. These sessions are held three in each year, and begin respectively on the first Monday in January, the third Monday in April, and the fourth Monday in September.

Appeal in interference cases; none to supreme court.

48. In cases of interference parties have the same remedy by appeal to the examiners-in-chief, and to the Commissioner, as in *ex-parte* cases; but no appeal lies in such cases from the decision of the Commissioner. Appeals in interference cases should be accompanied with a brief statement of the reasons therefor; and both parties will be required to file briefs of their arguments at least five days before the day of hearing. Printed briefs are in all cases preferred.

HEARINGS.

Hearings, regulations for.

40. All cases pending before the Commissioner, the board of examiners-in-chief, or the examiner in charge of interferences, will stand for argument at 12 o'clock on the day of hearing, unless some other hour be specially designated. If either party in a contested case, or the appellant in an *ex-parte* case, appears at that time, he will be heard, but a contested case will not be taken up for oral argument after the day of hearing, except by consent of both parties. If the engagements of the tribunal before whom the case is pending are such as to prevent it from being taken up on the day of hearing, a new assignment will be made, or the case

will be continued from day to day until heard. Unless otherwise ordered before the hearing begins, oral arguments will be limited to one hour for each counsel. After any case has been argued, nothing further relating thereto will be heard unless requested by the tribunal having the decision of the case; and all interviews for this purpose, with parties in interest or their attorneys, will be invariably denied.

MOTIONS IN CONTESTED CASES.

50. In contested cases reasonable notice of all motions, ^{Motions, regulations for.} and copies of the motion, papers, and affidavits, must be served upon the opposite party or his attorney. Proof of such service must be made before the motion will be entertained by the Office; and motions will not be heard in the absence of either party except upon default after due notice. Motions will be heard in the first instance by the officer or tribunal before whom the particular case may be pending; but an appeal from the decision rendered may be taken to the Commissioner in person.

INTERFERENCES.

51. An "interference" is a proceeding instituted for the purpose of determining the question of *priority of invention* between two or more parties claiming the same patentable subject-matter. It may also be resorted to for the purpose of procuring evidence relating to the alleged abandonment or the public use of an invention. Interferences.

Before the declaration of an interference all preliminary questions must be settled by the primary examiner, and the issue clearly defined; the invention which is to form the subject of the controversy must be decided to be patentable, and the claims of the respective parties must be put in such condition that they will not require alteration after the interference has been finally decided, unless the testimony adduced upon the trial should necessitate such change. See sec. 41.

An interference will be declared in the following cases:

First. When two or more parties have applications pending before the Office at the same time, and their respective claims conflict in whole or in part. When declared

Second. When two or more applications are pending at the same time, in each of which a like patentable invention is shown or described, and claimed in one though not specifically claimed in all of them.

Third. When an applicant, having been rejected upon an

unexpired patent, claims to have made the invention before the patentee.

Interferences
with patents.

52. The fact that one of the parties has already obtained a patent will not prevent an interference; for, although the Commissioner has no power to cancel a patent already issued, he may, if he finds that another person was the prior inventor, give him a patent also, and thus place both parties on an equal footing before the courts and the public.

Preliminary in-
terferences; pro-
ceedings.

53. Before the declaration of an interference proper preliminary interference will be declared, in which the primary examiner will notify the respective parties when the applications of the other parties were filed, together with their names and residences. Each party to the interference will be required to file a statement under oath, giving a detailed history of the invention, showing the date of the original conception, and the date that the invention was reduced to drawings or model, and the date of its completion, and the extent and character of use. The parties will be strictly held in their proof to the dates set up in their preliminary statements. This statement must be sealed up before filing, (to be opened only by the examiner of interferences,) and the name of the party filing it and the subject of the invention indicated on the envelope.

Preliminary
statements

These statements shall not be open to the inspection of the opposing parties until both have been filed, or until the time for filing both has expired; nor then, until they have been examined by the proper officer and found to be satisfactory. At the time of the examination of the preliminary statements the examiner of interferences will also make an examination of the preliminary declaration, (instituted by the primary examiner,) in order to ascertain whether or not the issue between the parties has been clearly defined. If it be found, upon such examination, that the preliminary declaration is ambiguous in this particular, the interference will be suspended and the case returned to the primary examiner for amendment.

Effect of pre-
liminary state-
ment.

If the party upon whom rests the burden of proof fails to file a preliminary statement, or if his statement fails to overcome the *prima-facie* case made by the respective dates of application, or if it shows that he has abandoned his invention, or that it has been in public use more than two years before his application, the other party will be entitled

to an immediate adjudication of the case upon the record; unless a presumption is created that his right to a patent is affected by the alleged public use of the invention, in which case the interference may be proceeded with.

If the earlier applicant fails to file a preliminary statement, no testimony will subsequently be received from him going to prove that he made the invention at a date prior to his application. The preliminary statement can in no case be used as evidence in behalf of the party making it. Its use is to determine whether the interference shall be proceeded with, and to serve as a basis of cross-examination for the other party.

If either party requires a postponement of the time for filing the preliminary statements, he must present his reasons therefor, in the form of an affidavit, prior to the day previously fixed upon.

54. Where no testimony is taken by the applicant upon whom rests the burden of proof, or where testimony has been taken by such applicant, but not by the other party during the time assigned to the latter, the case will be considered closed, and, upon motion duly made at the expiration of the time assigned to such parties, respectively, may be set for hearing at any time not less than ten days thereafter. Hearing of interferences.

55. In cases of interference appeals may be taken to the examiners-in-chief and to the Commissioner, in the manner provided in Rule 48. Appeals in interferences.

56. When an interference is declared, notice will be given to both parties or to their attorneys. When one of the parties has received a patent, duplicate notices will be sent to the patentee and to his attorney of record. Where one of the parties resides abroad and has no known agent in the United States, in addition to the notice sent by mail notice may be given by publication in a newspaper of general circulation in the city of Washington once in a week for three successive weeks. Notice to parties of interference.

57. In cases of interference the party who first filed so much of his application for a patent as is required by Rule 7, will be deemed the first inventor in the absence of all proof to the contrary. A time will be assigned in which the other party shall complete his direct testimony; and a further time in which the adverse party shall complete the testimony on his side; and a further time in which the party who first took testimony may take rebutting testimony, but shall take Order of taking testimony.

no other. If there are more than two parties, the times for taking testimony will be so arranged that each shall have a like opportunity in his turn, each being held to go forward and prove his case against those who filed their application before him.

Postponing taking testimony.

58. If it becomes necessary for either party to have the time for taking his testimony, or for the hearing, postponed, he must make application for such postponement, and must show sufficient reason for it by affidavit as provided in Rule 113, filed before the time previously appointed has elapsed, if practicable, and must also furnish his opponent with copies of his affidavits and with reasonable notice of the time of hearing his motion.

Prerequisite to, and

59. An interference will not be declared until the subject-matter involved is decided to be patentable. If after being declared it is found that no interference in fact exists, or that there has been such irregularity in declaring the same as will preclude the proper determination of the question of

Dissolving interferences.

right between the parties, *it will be dissolved, and an appeal may be taken to the Commissioner in person.*

Concessions of priority.

If, during the continuance of an interference, it shall appear that neither party is entitled to a patent by reason of abandonment, public use, or any other statutory bar, the examiner of interferences, or examiners-in-chief, as the case may be, will direct the attention of the Commissioner to the facts, either by a report, if before the hearing, or in the decision of the question of priority, if the interference comes to a regular hearing. The Commissioner, if in his judgment it is necessary, will then suspend the interference and remand the cases to the principal examiner for the determination of any of these questions.

If judgment be based upon a concession of priority by either of the parties, such concession must be in writing, and under the signature of the inventor himself; and if there has been an assignment, the assignee must join in the concession.

Amendments pending interference.

60. No amendments to the specification will be received during the pendency of an interference, except as provided in section 61. A second interference will not be declared upon a new application on the same invention filed by either

Rehearing and second interferences.

party during the pendency of an interference, or after judgment, nor a rehearing be granted, unless it be shown to the satisfaction of the Commissioner (in person) that the party desiring a new interference or rehearing has new and material testimony which he could not have procured in time

for the hearing, or unless other sufficient reasons be shown, satisfactory to the Commissioner.

61. When an application is adjudged to interfere with a <sup>Part of applica-
tion only in inter-</sup> part only of another pending application, the interfering ^{ference.} parties will be permitted to see or obtain copies of so much only of the specifications as refers to the interfering claims. And either party may, if he so elect, withdraw from his application the claims adjudged not to interfere, and file a new application therefor: *Provided*, That the claims so withdrawn cover inventions which do not involve the devices in interference: *And provided also*, That the devices in interference are eliminated from the new application. In such case the latter will be examined without reference to the interference from which it was withdrawn.

REISSUES.

62. A reissue is granted to the original patentee, his legal <sup>Reissues, who
may apply for.</sup> representatives, or the assignees of the entire interest, when, by reason of a defective or insufficient specification, or by reason of the patentee claiming as his invention or discovery more than he had a right to claim as new, the original patent is inoperative or invalid, provided the error has arisen from inadvertence, accident, or mistake, and without any fraudulent or deceptive intention. In the cases of patents issued and assigned prior to July 8, 1870, the application for reissue may be made by the assignee; but, in the case of patents issued or assigned since that date, the application must be made and the specification sworn to by the inventor, if he be living.

63. The petition for a reissue must be accompanied with a <sup>What must ac-
company peti-
tion.</sup> certified copy of the abstract of title, giving the names of all assignees owning any undivided interest in the patent; and in case the application is made by the inventor, it must be accompanied with the written assent of such assignees. In applications for reissue, under several different divisions, a petition, oath, drawing, and specification must accompany each division.

64. The general rule is, that whatever is really embraced in the original invention, and so described or shown that it might have been embraced in the original patent, may be the subject of a reissue; but no new matter shall be introduced into the specification, nor shall the model or drawings be amended except each by the other; but, when there is neither model nor drawing, amendments may be made upon proof satisfactory to the Commissioner that such new matter or amendment was a part of the original inven- <sup>What amend-
ments allowed.</sup>

tion, and was omitted from the specification by inadvertence, accident, or mistake, as aforesaid.

Take precedence in examination.

65. Reissued patents expire at the end of the term for which the original patents were granted. For this reason applications for reissue will take precedence, in examination, of original applications.

Division of patents.

66. A patentee in reissuing may, at his option, have a separate patent for each distinct and separate part of the invention comprehended in his original patent, by paying the required fee in each case, and complying with the other requirements of the law, as in original applications. Each division of a reissue constitutes the subject of a separate specification descriptive of the part or parts of the invention claimed in such division; and the drawing may represent only such part or parts. All the divisions of a reissue will issue simultaneously. If there be controversy as to one, the others will be withheld from issue until the controversy is ended.

Original claim to be examined anew.

67. In all cases of applications for reissues, the original claim, if reproduced in the amended specification, is subject to re-examination, and may be revised and restricted in the same manner as in original applications. The application for a reissue must be accompanied by a surrender of the original patent, or, if lost, then by an affidavit to that effect and a certified copy of the patent; but if any reissue be refused, the original patent will, upon request, be returned to the applicant.

DISCLAIMERS.

laimers.

68. Whenever, by inadvertence, accident, or mistake, the claim of invention in any patent is too broad, embracing more than that of which the patentee was the original or first inventor, some material or substantial part of the thing patented being truly and justly his own, the patentee, his heirs or assigns, whether of a whole or of a sectional interest, may, upon payment of the duty required by law, make disclaimer of such parts of the thing patented as the disclaimant shall not choose to claim or to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent; which disclaimer shall be in writing, attested by one or more witnesses, shall be recorded in the Patent Office, and shall thereafter be considered as part of the original specification, to the extent of the interest possessed by the claimant and by those claiming under him after the record thereof.

EXTENSIONS.

69. Power is vested in the Commissioner to extend any patent granted prior to March 2, 1861, for seven years from the expiration of the original term; but no patent granted since March 2, 1861, can be extended. When a patent has been reissued in two or more divisions, separate applications must be made for the extension of each division. What patents may be extended

70. The applicant for an extension must file his petition and pay in the requisite fee not more than six months nor less than ninety days prior to the expiration of his patent. When to file petition and pay fee.

No certificate of extension will be signed after the expiration of the patent. Parties are cautioned to make their application for extension in time to allow the testimony to be taken, the hearing to be had, and decision made, so that the final fee may be paid and the certificate signed before the patent expires; otherwise, extension will be denied.

71. Any person who intends to oppose an application for extension must give notice of such intention to the applicant or his attorney of record within the time hereafter named, and furnish him with a statement of his reasons of opposition. After this he will be regarded as a party in the case, and will be entitled to notice of the time and place of taking testimony, to a list of the names and residences of the witnesses whose testimony may have been taken previous to his service of notice of opposition, and to a copy of the application and of any other papers on file, upon paying the cost of copying. He must also immediately file a copy of such notice and reasons of opposition, with proof of service of the same, in the Patent Office. Remonstrants, what is required of them. (See sec. 73.)

If the extension is opposed on the ground of lack of novelty in the invention, the reasons of opposition should contain a specific statement of any and all matter relied upon for this purpose.

72. The applicant for an extension must furnish to the Office a statement in writing, under oath, of the ascertained value of the invention, and of his receipts and expenditures on account thereof, both in this and foreign countries. This statement must be made particular and in detail, unless sufficient reason is set forth why such a statement cannot be furnished. It must *in all cases* be filed with the petition. No exceptions will be made to this rule. What is required of petitioner.

Such statement must also be accompanied with a *certified*

abstract of title and a declaration, under oath, setting forth the extent of applicant's interest in the extension sought.

Points to be
considered—
proofs required.

73. The questions which arise on each application for an extension are :

First. Was the invention *new and useful* when patented?

Second. Is it *valuable and important to the public*, and to what extent?

Third. Has the inventor been *reasonably remunerated* for the time, ingenuity, and expense bestowed upon it, and the introduction of it into use? If not, has his failure to be so remunerated arisen from neglect or fault on his part?

Fourth. What will be the effect of the proposed extension upon the public interests?

No proof will be required from the applicant upon the first question unless the invention is assailed upon those points by opponents.

To enable the Commissioner to come to a correct conclusion in regard to the second point of inquiry, the applicant must, if possible, procure the testimony of persons disinterested in the invention, which testimony should be taken under oath. *This testimony must distinguish carefully between the specific devices covered by the claims of the patent and the general machine in which those devices may be incorporated.*

In regard to the third point of inquiry, in addition to his own oath, showing his receipts and expenditures on account of the invention, the applicant must show, by testimony under oath, that he has taken all reasonable measures to introduce his invention into general use; and that, without neglect or fault on his part, he has failed to obtain from the use and sale of the invention a reasonable remuneration for the time, ingenuity, and expense bestowed on the same, and the introduction of it into use.

Taking testi-
mony and giving
notice.

74. In case of opposition to the extension of a patent by any person, both parties may take testimony, each giving reasonable notice to the other of the time and place of taking said testimony, which shall be taken according to the rules hereinafter prescribed.

Remonstrants,
their duties and
privileges.

75. Any person desiring to oppose an extension must serve his notice of opposition, and file his reasons therefor, at least ten days before the day fixed for the closing of testimony; but parties who have not entered formal opposition in time to put in testimony may, at the discretion of the Commissioner, be permitted to appear on the day of hearing, and make argument upon the record in opposition to the

grant of the extension. But in such case good cause for the neglect to make formal opposition must be shown.

76. In contested cases no testimony will be received, unless by consent, which has been taken within thirty days next after the filing of the petition for the extension. Time of taking testimony.

77. Service of notice to take testimony may be made upon applicant, upon the opponent, upon the attorney of record of either, or, if there be no attorney of record, upon any attorney or agent who takes part in the service of notice, or in the examination of the witnesses of either party. Where notice to take testimony has already been given to an opponent, and a new opponent subsequently gives notice of his intention to oppose, the examination need not be postponed, but notice thereof may be given to such subsequent opponent by mail or by telegraph. This rule, however, does not apply to *ex-parte* examinations, or those of which no notice has been given when notice of opposition is served. Service of notice to take testimony.

78. In the notice of the application for an extension a day will be fixed for the closing of testimony, and the day of hearing will also be named. Application for a postponement of the day of hearing, or for further time for taking testimony, must be made and supported according to the same rules as are to be observed in other contested cases; but they will not be granted in such a manner as to cause a risk of preventing a decision prior to the expiration of the patent. Immediately upon the closing of the testimony the application will be referred to the examiner in charge of the class to which the invention belongs for the report required by law; and said report shall be made not less than five days before the day of hearing. As this report is intended for the information of the Commissioner, neither the parties nor their attorneys will be permitted to make oral arguments before the examiner. In contested cases briefs are deemed desirable, and these should always be filed at least five days before the day of hearing. Taking testimony and hearing. Reference to examiner.

DESIGNS.

79. A patent for a design may be granted to any person, whether citizen or alien, who, by his own industry, genius, efforts, and expense, has invented or produced any new and original design for a manufacture, bust, statue, alto-relievo, or bas-relief; any new and original design for the printing of woolen, silk, cotton, or other fabrics; any new and original impression, ornament, pattern, print, or picture, to be Designs, which are patentable.

printed, painted, cast, or otherwise placed on or worked into any articles of manufacture; or any new, useful, and original shape or configuration of any article of manufacture, the same not having been known or used by others before his invention or production thereof, or patented or described in any printed publication, upon payment of the duty required by law, and other due proceedings had the same as in cases of inventions or discoveries.

How long the
patents inure.

80. Patents for designs are granted for the term of three and one-half years, or for seven years, or for fourteen years, as the applicant may, in his application, elect.

Proceedings in
applications.

81. The proceedings in applications for patents for designs are substantially the same as for other patents. The specification must distinctly point out the characteristic features of the design, and carefully distinguish between what is old and what is held to be new. The claims also should be as distinct and specific as in the case of patents for inventions or discoveries.

Models, when
not required.

82. When the design can be sufficiently represented by drawings or photographs a model will not be required.

Illustrations,
how prepared.

83. Whenever a photograph or an engraving is employed to illustrate the design, it must be mounted upon a thick Bristol-board or drawing-paper, ten by fifteen inches in size; and the applicant will be required to furnish ten extra copies of such photograph or engraving, (not mounted,) of a size not exceeding seven and a half inches by eleven. Negatives will no longer be required.

Whenever the design is represented by a drawing, each of the ten copies must be made to conform as nearly as possible to the rules laid down for drawings of mechanical inventions.

TRADE-MARKS.

Trade-marks,
how to secure
them.

84. Any person or firm domiciled in the United States, and any corporation created by the authority of the United States, or of any State or Territory thereof, and any person, firm, or corporation resident of or located in any foreign country which, by treaty or convention, affords similar privileges to citizens of the United States, and who are entitled to the exclusive use of any lawful trade-mark, or who intend to adopt and use any trade-mark for exclusive use within the United States, may obtain protection for such

lawful trade-mark by complying with the following requirements, to wit:

First. By causing to be recorded in the Patent Office the names of the parties, and their residences and place of business, who desire the protection of the trade-mark. Proceeding
necessary.

Second. The class of merchandise and the particular description of goods comprised in such class, by which the trade-mark has been or is intended to be appropriated.

Third. A description of the trade-mark itself, with fac-similes thereof, and the mode in which it has been or is intended to be applied and used.

Fourth. The length of time, if any, during which the trade-mark has been used.

Fifth. The payment of a fee of twenty-five dollars, in the same manner and for the same purpose as the fee required for patents.

Sixth. The compliance with such regulations as may be prescribed by the Commissioner of Patents.

Seventh. The filing of a declaration, under the oath of the person, or of some member of the firm or officer of the corporation, to the effect that the party claiming protection for the trade-mark has a right to the use of the same, and that no other person, firm, or corporation has a right to such use, either in the identical form or having such near resemblance thereto as might be calculated to deceive, and that the description and fac-similes presented for record are true copies of the trade-mark sought to be protected. The oath must also state the domicile and citizenship of the person desiring registration.

The petition asking for registration should be accompanied with a distinct statement or specification, setting forth the length of time the trade-mark has been used, the mode in which it is intended to apply it, and the particular description of goods comprised in the class by which it has been appropriated, and giving a full description of the design proposed, particularly distinguishing between the essential and the non-essential features thereof.

85. The protection for such trade-mark will remain in force for thirty years, and may, upon the payment of a second fee, be renewed for thirty years longer, except in cases where such trade-mark is claimed for, and applied to, articles not manufactured in this country, and in which it receives protection under the laws of any foreign country for a shorter period, in which case it shall cease to have force in this country, by virtue of the registration, at the same time that it becomes of no effect elsewhere. How long the
right may inure.

Proper subjects
for trade-marks.

86. No proposed trade-mark will be received or recorded which is not and cannot become a lawful trade-mark, or which is merely the name of a person, firm, or corporation only, unaccompanied by a mark sufficient to distinguish it from the same name when used by other persons, or which is identical with a trade-mark appropriate to the same class of merchandise and belonging to a different owner, and already registered or received for registration, or which so nearly resembles such last-mentioned trade-mark as to be likely to deceive the public; but any lawful trade-mark rightfully used at the time of the passage of the act relating to trade-marks (July 8, 1870) may be registered.

Proceedings in
the Office.

All applications for registration are referred in the first instance to a trade-mark examiner. From adverse decision by such examiner upon the applicant's right to registration, an appeal directly to the Commissioner will lie, no fee being charged therefor.

In case of conflicting applications for registration, the Office reserves the right to declare an interference, in order that the parties may have opportunity to prove priority of right; and the proceedings on such interference will follow, as nearly as practicable, the practice in interferences upon applications for patents.

Fac-similes to
be filed.

87. The fac-similes must be drawn, printed, or otherwise placed upon Bristol-board or stiff paper, in accordance with Rule 19, and ten additional copies be filed; or, when a drawing of the trade-mark, made in accordance with the said rule, is filed, the fac-similes will be furnished by this Office, by the photo-lithographic process, upon the payment of a fee of one dollar therefor. In lieu of filing the said ten fac-similes, the applicant may furnish a wood-cut, stereotype-plate, or electrotpe suitable for printing in the body of the specification.

Trade-marks
assignable.

88. The right to the use of any trade-mark is assignable by any instrument of writing, and such assignment must be recorded in the Patent Office within sixty days after its execution, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice. The fees will be the same as are prescribed for recording assignments of patents.

FOREIGN PATENTS.

Foreign pat-
ents, their effect
on home patents.

89. The taking out of a patent in a foreign country does not prejudice a patent previously obtained here; nor does it prevent obtaining a patent here subsequently, unless the invention shall have been introduced into public use in the

United States for more than two years prior to the application; but when a patent is taken out in this country for an invention previously patented abroad, the American patent will expire at the same time with the foreign patent, or if there be more than one, at the same time with the one having the shortest term; but in no case shall it be in force more than seventeen years.

90. When application is made for a patent for an invention which has been already patented abroad, the inventor will be required to make oath that, according to the best of his knowledge and belief, the same has not been in public use in the United States for more than two years prior to the application in this country. Oath when invention is patented abroad.

91. An applicant whose invention has been patented abroad should state the fact that a foreign patent has actually been obtained, giving its date, and if there be more than one, the date of each. Statement required of applicant.

CAVEATS.

92. Any citizen of the United States, or alien who has resided for one year last past in the United States, and has made oath of his intention to become a citizen thereof, can file a caveat in the secret archives of the Patent Office on the payment of a fee of ten dollars therefor. And if, at any time within one year thereafter, another person applies for a patent with which such caveat would in any manner interfere, such application will be suspended, and notice thereof will be sent to the person filing the caveat, who, if he shall file a complete application within the prescribed time, will be entitled to an interference with the previous application, for the purpose of proving priority of invention, and obtaining the patent, if he be adjudged the prior inventor. The caveator, if he would avail himself of his caveat, must file his application within three months from the day on which the notice to him is deposited in the post-office at Washington, adding the regular time for the transmission of the same to him; and the day when the time for filing expires will be mentioned in the notice or indorsed thereon. Caveat, filing and proceedings thereon.

93. The caveator will not be entitled to notice of any application pending at the time of filing his caveat, nor of any application filed after the expiration of one year from the date of filing the caveat; but he may renew his caveat at the end of one year by paying a second caveat fee of ten dollars, which will continue it in force for one year longer, Notice of conflicting application. Renewing caveats.

and so on from year to year as long as he may desire. If a caveat is not renewed at the end of the year for which it was filed, it will no longer be regarded as in the secret archives of the Office.

Oath of caveator.

94. No caveat can be filed in the secret archives of the Office unless accompanied by an oath of the caveator that he is a citizen of the United States, or, if he is an alien, that he has resided for one year last past within the United States, and has made oath of his intention to become a citizen thereof; nor unless the applicant also states, under oath, that he believes himself the original and first inventor of the art, machine, or improvement set forth in his caveat.

Description of invention required.

95. A caveat need not contain as particular a description of the invention as is requisite in a specification; but still the description should be sufficiently precise to enable the Office to judge whether there is a probable interference when a subsequent application is filed. A caveat, equally with an application, must be limited to a single invention or improvement.

No altering or withdrawing papers allowed.

96. Caveat papers cannot be withdrawn from the Office nor undergo alteration, after they have once been filed; nor will additional caveat papers relative to the same invention be received, except upon the payment of an additional fee; but the caveator, or any person properly authorized by him, can at any time obtain copies of the papers at the usual rates.

Drawings required.

97. When practicable, the caveat must be accompanied by full and accurate drawings, separate from the specifications, well executed on tracing-muslin or paper that may be folded, and of the same size as demanded in drawings for patents.

ASSIGNMENTS.

Patents and trade-marks assignable.

98. A patent or trade-mark may be assigned, either as to the whole interest or any undivided part thereof, by an instrument of writing. No particular form of words is necessary to constitute a valid assignment, nor need the instrument necessarily be sealed, witnessed, or acknowledged.

Letters, &c., respecting assignments not recorded.

99. Letters, copies of assignments, or *ex-parte* statements in relation to assignments are not proper subject-matters for record.

100. In every case where it is desired that the patent shall issue to an assignee, the assignment must be recorded in the Patent Office at a date not later than the day on which the final fee is paid. Assignment to be recorded before patent issues to assignee.

101. When the patent is to issue in the name of the assignee, the entire correspondence will be with him or his authorized agent. Correspondence to be with assignees.

102. A patentee may not only assign the whole or an undivided interest in his patent, but he may grant and convey an exclusive right under his patent to the whole or any specified portion of the United States by an instrument in writing. Grants of territorial rights.

103. Every assignment or grant of an exclusive territorial right, as well as of an interest in a patent or trade-mark, must be recorded in the Patent Office—if a patent, within three months, if a trade-mark, within sixty days, from the execution thereof; otherwise it will be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice; but, if recorded after that time, it will protect the assignee or grantee against any such subsequent purchaser, whose assignment or grant is not then on record. Assignments, &c., when to be recorded.

104. The patentee may convey separate rights under his patent to make or to use or to sell his invention, or he may convey territorial or shop rights which are not exclusive. Such conveyances are mere licenses, and need not be recorded. Licenses, &c., need not be recorded.

105. The receipt of assignments is not generally acknowledged by the Office; they will be recorded in their turn within a few days after their reception, and then transmitted to the person entitled to them. Receipt of assignments, &c., not acknowledged.

OFFICE FEES, AND HOW PAYABLE.

106. Nearly all the fees payable to the Patent Office are positively required by law to be paid in advance; that is, upon making application for any action by the Office for which a fee is payable. For the sake of uniformity and convenience, the remaining fees will be required to be paid in the same manner. Fees, &c., payable in advance.

107. The following is the tariff of fees established by law : Tariff of fees.
 On filing every application for a design patent for
 three years and six months \$10 00

On filing every application for a design patent for seven years	\$15 00
On filing every application for a design patent for fourteen years	30 00
On filing every caveat.....	10 00
On filing every application for a patent for an invention or discovery.....	15 00
On issuing each original patent for an invention or discovery	20 00
On filing a disclaimer.....	10 00
On filing every application for a reissue	30 00
On filing every application for a division of a reissue.....	30 00
On filing every application for an extension	50 00
On the grant of every extension	50 00
On filing the first appeal from a primary examiner to examiners-in-chief	10 00
On filing an appeal to the Commissioner from examiners-in-chief.....	20 00
On depositing a trade-mark for registration	25 00
On depositing a label for registration	6 00
For every certified copy of a patent or other instrument, for every 100 words	10
For certified copies of drawings, the reasonable cost of making them.	
For recording every assignment of 300 words or under	1 00
For recording every assignment, if over 300 and not over 1,000 words.....	2 00
For recording every assignment, if over 1,000 words,	3 00
For uncertified copies of the specifications and accompanying drawings of patents issued since July 1, 1871—	
Single copies	25
Twenty copies or more, whether of one or several patents, per copy	10
For uncertified copies of the specifications and drawings of patents issued prior to July 1, 1871, the reasonable cost of making the same.	

Orders for copies must specify particulars.

In ordering copies of any drawing or specification the name of the inventor and patentee, the title of the invention, and the date of the patent must be given; and for any search required in consequence of the omission of any of these data, a charge of one dollar may be made. So, in ordering a copy of an assignment, the *liber* and page of the record, as well as the name of the inventor, must be given

otherwise an extra charge will be made for the time consumed in making any search that may become necessary.

108. The final fee upon a patent must be paid within six months after the time at which the application was allowed and notice thereof mailed to the applicant, or his agent; and if the final fee for such patent, or a certificate of deposit for the amount, be not received at the Office within that time, the patent will be forfeited, and the invention therein described will become public property, as against the applicant therefor, unless he shall make a new application within two years from the date of notice of the original allowance.

Final fee, patent forfeited if not paid.

109. The money for the payment of fees may be paid to the Commissioner, or to the Treasurer or any of the Assistant Treasurers of the United States, or to any of the designated depositaries, national banks, or receivers of public money, designated by the Secretary of the Treasury for that purpose, who shall give the depositor a receipt or certificate of deposit therefor, which shall be transmitted to the Patent Office. When this cannot be done without much inconvenience, the money may be remitted by mail, and in every such case the letter should state the exact amount inclosed. Letters containing money may be registered. Post-Office money-orders now afford a safe and convenient mode of transmitting fees. All such orders should be made payable to the "Commissioner of Patents."

Money for fees, how paid.

The weekly issue will close on Saturday at 12 o'clock.

When patents are to issue to assignees the assignment must be on record before the closing of the issue, and the request to issue to an assignee must be made in writing at the time of paying the final fee.

110. All money sent by mail, either to or from the Patent Office, will be at the risk of the owner. In no case should money be sent inclosed with models. All payments to or by the Office must be paid in specie, Treasury notes, national-bank notes, certificates of deposit, or post-office money-orders.

If sent by mail, is at owner's risk.

REPAYMENT OF MONEY.

111. Money paid by actual mistake will be refunded, but a mere change of purpose after the payment of money will not entitle a party to demand such return.

Refunding money paid by mistake.

POSTAGE.

112. After the first day of July, 1873, the postage on all matter sent to the Patent Office by mail must be prepaid in full, otherwise it will not be received.

Postage, when to be prepaid.

TAKING AND TRANSMITTING TESTIMONY.

Taking testi-
mony.

113. In extension, interference, and other contested cases, the following rules have been established for taking and transmitting evidence :

Notice of, to be
given.

First. Before the deposition of a witness or witnesses is taken by either party, due notice shall be given to the opposite party, as hereinafter provided, of the time and place when and where such deposition or depositions will be taken, with the names and residences of the witness or witnesses then and there to be examined, so that the opposite party, either in person or by attorney, shall have full opportunity to cross-examine the witness or witnesses: *Provided*, That if the opposite party, or his counsel, be actually present at the taking of testimony, witnesses not named in the notice may be examined, but not otherwise; and that neither party shall take testimony in more than one place at the same time, nor so nearly at the same time as not to allow reasonable time to travel from one place of examination to the other.

How to be serv-
ed.

Second. The notice for taking testimony must be served by delivering a copy to the adverse party, or his agent or attorney of record or counsel, as provided in Rule 77, or by leaving a copy at the party's usual place of residence with some member of the family who has arrived at the years of discretion, or by leaving the same at the office of the attorney; and such notice shall, *with proof of service of the same, and a certificate, duly sworn to, giving the manner and time of making the service*, be attached to the deposition or depositions, whether the party cross-examine or not.

How to certify
and forward dep-
osition.

Third. The magistrate before whom the deposition is taken must append thereto his certificate, stating the time and place at which it was taken, the name of the witness, the administration of the oath, at whose request the testimony was taken, the occasion upon which it is intended to be used, the names of the adverse party, (if any,) and whether they were present; and *immediately upon the close of the examination* he shall securely seal up all the evidence, &c., and forward the same *forthwith* to the Commissioner of Patents, making upon the envelope a certificate, giving the title of the case and the date of sealing and addressing the package.

Ex-parte testi-
mony in exten-
sions.

Fourth. In cases of extension where no opposition is made, *ex parte* testimony will be received from the applicant; and such testimony as may have been taken by the applicant prior to notice of opposition will be received, unless taken within thirty days after filing the petition for the

extension: *Provided*, That immediately upon receiving notice of opposition the applicant shall give notice to the opposing party or parties of the names and residences of the witnesses whose testimony has thus been taken.

Fifth. If either party shall be unable, for good and sufficient reasons, to procure the testimony of a witness or witnesses within the stipulated time, it shall be the duty of said party to give notice of the same to the Commissioner of Patents, accompanied by statements, *under oath, of the cause of such inability, and of the names of such witnesses, and of the facts expected to be proved by them, and of the steps which have been taken to procure said testimony, and of the time or times when efforts have been made to procure it*; which notice to the Commissioner shall be received by him previous to the day of hearing aforesaid. Copies of the papers, and notice of any motion based upon them, must also be served upon the opposite party, as provided in Rule 50.

Proceedings if testimony cannot be obtained.

Sixth. Whenever a party relies upon a caveat to establish the date of his invention, the caveat itself, or a certified copy thereof, must be filed in evidence, with due notice to the opposite party, as no notice can be taken by the Office of a caveat filed in its secret archives.

Introducing caveats, records, and books.

The official *records* of the Office, and books and documents contained in the library, and other books in general circulation, may be used at the hearing; but notice of any special matter contained therein, upon which a party relies, should be given to the opposite party previous to the day set for closing testimony.

114. The folios of each deposition must be numbered consecutively, and the name of the witness be plainly and conspicuously written at the top of each folio. It is deemed desirable that the testimony be taken upon legal-cap paper, with a wide margin on the left-hand side of the page, and that only one side of the sheet be written upon.

Depositions, how drawn up.

115. The testimony may be taken in narrative form; but, if either party desires it, it must be taken in answer to interrogatories, having the questions and answers committed to writing in their regular order by the magistrate, or, unless by consent, by some person not interested in the case, either as a party thereto or as attorney. The deposition, when complete, must be signed by the witness.

Form of testimony.

116. No evidence touching the matter at issue will be considered upon the day of hearing which shall not have been

Excluding depositions.

taken and filed in compliance with these rules; but no notice will be taken of any merely formal or technical objection which shall not appear to have wrought a substantial injury to the party raising it; and in such case it should be made to appear that, as soon as the party became aware of the objection, he immediately gave notice thereof to the Office, and also to the opposite party, informing him at the same time that, unless corrected, he shall urge his objection at the hearing; but this rule is not to be construed so as to modify well-established rules of evidence, which will be applied strictly in all practice before the Office.

Subpœnas for witnesses.

117. The law requires the clerks of the various courts of the United States to issue subpœnas, to secure the attendance of witnesses whose depositions are desired to be read in evidence in any contested cases in the Patent Office.

Testimony, when open.

118. In contested cases, whether of interference or of extension, parties may have access to the testimony on file prior to the hearing, in presence of the officer in charge; and copies may be obtained by them at the usual rates.

Printing of it required.

As a general rule printed copies of the testimony will be required, but this requirement may be dispensed with on special application to the Commissioner, and showing satisfactory reasons therefor.

Three printed copies should be furnished, two for the use of the Office and one for the use of the opposing party. These copies must be filed not less than one week previous to the day of hearing.

It is also desirable that all arguments should be submitted in printed form, and all arguments filed at least two days previous to the day of hearing.

RULES OF CORRESPONDENCE.

Correspondence with Office, how conducted.

119. All correspondence must be in the name of the "Commissioner of Patents," and all letters and other communications intended for the Office must be addressed to him; and after July 1, 1873, postage must be prepaid in full. If addressed to any of the other officers of the Bureau they will not be noticed, unless it be seen that the mistake was owing to inadvertence. *A separate letter should in every case be written in relation to each distinct subject of inquiry or application, the subject of the invention and the date of filing being always carefully noted.*

120. When an agent has filed his power of attorney, duly executed, the correspondence will, in ordinary cases, be held with him only; and a double correspondence with an assignee and the inventor, or with an attorney and his principal, if generally allowed, would largely increase the labor of the Office. The assignee of an entire interest in an invention is entitled to hold correspondence with the Office to the exclusion of the inventor.

Correspondence to be with party, or attorney or assignee, only.

121. If the principal becomes dissatisfied he must revoke his power of attorney and notify the Office, which will then communicate with him.

If principal dissatisfied, must revoke power.

122. After a second rejection none of the papers can be inspected, save in the presence of a sworn officer; nor will any of the papers be returned to the applicant or agent.

Inspection of papers after second rejection.

123. Whenever it shall be found that two or more parties whose interests are in conflict are represented by the same attorney, the examiner in charge will notify each of said principal parties, and also the attorney, of this fact.

Conflicting parties having the same counsel notified.

124. Aside from the caveats, which are required by law to be kept secret, all pending applications are, as far as practicable, preserved in like secrecy. No information will therefore be given those inquiring whether any particular case is before the Office, or whether any particular person has applied for a patent.

Applications kept secret.

125. But information is given in relation to any case after a patent has issued, or after a patent has been refused, and the further prosecution of the application is abandoned or barred by lapse of time.

Not after they are determined.

126. The models, in such cases, are so placed as to be subject to general inspection. The specifications and drawings in any particular case can be seen by any one having particular occasion to examine them, and copies thereof, as well as of patents granted, will be furnished at the cost of making them. Copies will be made on parchment, at the request of the applicant, on his paying the additional cost.

Are then open to inspection.

127. Even after a case is rejected, the application is regarded as pending, unless the applicant allows the matter to rest for two years without taking any further steps therein, in which case it will be regarded as abandoned, and will no longer be protected by any rule of secrecy. The specifications, drawings, and model will then be subject to inspection in the same manner as those of patented or withdrawn applications.

Cases neglected for two years treated as abandoned.

Information as to pending cases, when given.

128. Information in relation to pending cases is given so far as it becomes necessary in conducting the business of the Office, but no further. Thus, when an interference is declared between two pending applications, each of the contestants is entitled to a knowledge of so much of his opponent's case as to enable him to conduct his own understandingly.

No information furnished as to inventions or the law of patents in general.

129. The Office cannot respond to inquiries as to the novelty of an alleged invention in advance of an application for a patent, nor to inquiries founded upon brief and imperfect descriptions, propounded with a view of ascertaining whether such alleged improvements have been patented, and if so, to whom; nor can it act as an expounder of the patent law, nor as counselor for individuals, except as to questions arising within the Office. A copy of the rules, with this section marked, sent to the individual making an inquiry of the character referred to, is intended as a respectful answer by the Office.

Inter course with the Office to be in writing.

130. All business with the Office should be transacted in writing. Unless by the consent of all parties, the action of the Office will be based exclusively on the written record. No attention will be paid to any alleged verbal promise or understanding, in relation to which there is any disagreement or doubt.

ATTORNEYS.

Attorneys.

131. Any person of intelligence and good moral character may appear as the agent or the attorney in fact of an applicant, upon filing a proper power of attorney. As the value of patents depends largely upon the careful preparation of the specification and claims, the assistance of competent counsel will, in most cases, be of advantage to the applicant, but the value of their services will be proportioned to their skill and honesty. So many persons have entered this profession of late years without experience that too much care cannot be exercised in the selection of a competent man. The Office cannot assume responsibility for the acts of attorneys, nor can it assist applicants in making a selection. It will, however, be a safe rule to distrust those who boast of the possession of special and peculiar facilities in the Office for procuring patents in a shorter time or with more extended claims than others.

Powers of attorney, their effect.

132. Powers of attorney to authorize the attorney to substitute for, or associate with, himself a second agent, must contain a clause of substitution; but such powers will not authorize the second agent to appoint a third.

133. A power of attorney must be filed in every case, both by original and associate attorneys, before such attorney will be allowed to inspect papers or take action of any kind. Parties or their attorneys will be permitted to examine their cases in the attorney's room, but not in the rooms of the examiners. Personal interviews with examiners will be discouraged. All intercourse in relation to pending cases ought to be in writing. Regulations for practice of attorneys.

134. Attorneys will be expected to conduct their business with the Office with decorum and courtesy. For gross misconduct the Commissioner may refuse to recognize any person as a patent agent, either generally or in any particular case; and for lesser offenses attorneys may be refused the privilege of oral interviews, and be required to transact all business with the Office in writing. Restricting attorneys for misconduct.

135. As members of Congress cannot examine cases, or act in them without regular powers of attorney, and as cases cannot be taken up out of their regular order upon their request, and as the delay in transmitting papers to and from the Capitol involves a loss of time which would be avoided by communicating directly with the Office, applicants are recommended not to add to the sufficiently arduous duties of their Representatives by ordering copies or attempting to transact business with the Office through them. Transacting business through delegates in Congress discouraged.

LIBRARY.

136. No persons are allowed to take books from the library except those employed in the Office. Library regulations.

All books taken from the library must be entered in a register kept for the especial purpose, and returned on the call of the librarian.

Any book lost or defaced must be replaced by another.

Patentees and others doing business with the Office can examine the books only in the library-hall or the attorney's room in the Office.

All translations will be made at the usual rates by the Office.

No person will be allowed to make copies or tracings from works in the library. Such copies will be furnished at the usual rates.

ELLIS SPEAR,
Acting Commissioner.

Approved.

C. DELANO,
Secretary of the Interior.

APPENDIX OF FORMS.

PETITIONS.

1. BY A SOLE INVENTOR.

To the Commissioner of Patents :

Your petitioner, a resident of ———, ———, prays that letters patent be granted to him for the invention set forth in the annexed specification.

A. B.

2. BY JOINT INVENTORS.

To the Commissioner of Patents :

Your petitioners, residing respectively in ———, ———, and ———, ———, pray that letters patent may be granted to them, as joint inventors, for the invention set forth in the annexed specification.

A. B.

C. D.

3. BY AN INVENTOR FOR HIMSELF AND AN ASSIGNEE.

To the Commissioner of Patents :

Your petitioner, a resident of ———, prays that letters patent may be granted to himself and C. D., of ———, as his assignee, for the invention set forth in the annexed specification, the assignment to the said C. D. having been duly recorded in the Patent Office, in liber —, page —.

A. B.

4. BY AN ADMINISTRATOR.

To the Commissioner of Patents :

Your petitioner, A. B., of ———, ———, administrator of the estate of C. D., deceased, (as by reference to the duly-certified copy of letters of administration, hereto annexed, will more fully appear,) prays that letters patent may be granted to him for the invention of the said C. D., set forth in the annexed specification.

A. B., Administrator, &c.

5. BY AN EXECUTOR.

To the Commissioner of Patents :

Your petitioner, A. B., of ———, ———, executor of the last will and testament of C. D., deceased, (as by reference to the duly-certified copy

of letters testamentary, hereto annexed, will more fully appear,) prays that letters patent may be granted to him for the invention of the said C. D., set forth in the annexed specification.

A. B., *Executor, &c.*

6. FOR A REISSUE, (BY THE INVENTOR.)

To the Commissioner of Patents :

Your petitioner, of ———, ———, prays that he may be allowed to surrender the letters patent for an improvement in coal-scuttles, granted to him May 16, 1867, whereof he is now sole owner, [or, "whereof C. D., on whose behalf and with whose assent this application is made, is now sole owner, by assignment,"] and that letters patent may be reissued to him, [or, "the said C. D.,"] for the same invention, upon the annexed amended specification. Accompanying this petition is an abstract of title, duly certified, as required in such cases.

A. B.

ASSENT OF ASSIGNEE TO REISSUE.

The undersigned, assignee of the entire [or an undivided] interest in the above-mentioned letters patent, hereby assents to the accompanying application.

C. D.

7. FOR A REISSUE, (BY ASSIGNEE.)

(To be used only when the inventor is dead, or the original patent was issued and assigned prior to July 8, 1870.)

To the Commissioner of Patents :

Your petitioners, of the city of ———, State of ———, pray that they may be allowed to surrender the letters patent for an improvement in coal-scuttles, granted May 16, 1867, to E. F., now deceased, whereof they are now owners, by assignment, of the entire interest, and the letters patent may be reissued to them for the same invention, upon the annexed amended specification. Accompanying this petition is an abstract of title, duly certified, as required in such cases.

A. B.

C. D.

8. FOR AN EXTENSION, (BY A PATENTEE.)

To the Commissioner of Patents :

Your petitioner, now residing at ———, ———, prays that Letters Patent No. 12841, for an improvement in steam-engines, granted to him August 17, 1853, may be extended for seven years from and after the expiration of the original term.

A. B.

9. FOR AN EXTENSION, (BY AN ADMINISTRATOR.

To the Commissioner of Patents :

Your petitioner, A. B., of ———, ———, administrator of the estate of C. D., deceased, (as by reference to the duly certified copy of letters of administration, hereto [annexed, will more fully appear,) residing at ———, ———, prays that Letters Patent No. 12842, for an improvement in stoves, granted to said C. D., August 24, 1853, may be extended for seven years from and after the expiration of the original term.

A. B., *Administrator.*

10. FOR LETTERS PATENT FOR A DESIGN.

To the Commissioner of Patents :

Your petitioner, residing in ———, ———, prays that letters patent may be granted to him for the term of three and one half years [or "seven years," or "fourteen years"] for the new and original design set forth in the annexed specification.

A. B.

11. FOR THE REGISTRATION OF A TRADE-MARK.

To the Commissioner of Patents :

Your petitioners respectfully represent that the firm of A. B., C. D. & Co., is engaged in the manufacture of woven fabrics at ———, ———, and at ———, ———, and that the said firm is entitled to the exclusive use upon the class of goods which they manufacture of the trade-mark described in the annexed statement or specification, [and accompanying fac-simile.]

They therefore pray that they may be permitted to obtain protection for such lawful trade-mark under the law in such cases made and provided.

A. B., C. D. & CO.,
By A. B.

12. FOR THE RENEWAL OF AN APPLICATION.

To the Commissioner of Patents :

Your petitioner represents that on May 8, 1868, he filed an application for letters patent for an improvement in churns, which application was allowed July 7, 1868, but that he failed to make payment of the final fee within the time allowed by law. [Or, "which application has been rejected but has not been abandoned."] He now makes renewed application for letters patent for said invention, and prays that the original specification, oath, drawings, and model may be used as a part of this application.

A. B.

13. PETITION WITH POWER OF ATTORNEY.

To the Commissioner of Patents:

Your petitioner, a resident of the city of ———, State of ———, prays that letters patent may be granted to him for the invention set forth in the annexed specification; and he hereby appoints C. D., of the city of ———, State of ———, his attorney, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith.

A. B.

14. POWER OF ATTORNEY.

If the power of attorney be given at any time other than that of making application for patent, it will be in substantially the following form:

To the Commissioner of Patents:

The undersigned having, on or about the 20th day of July, 1859, made application for letters patent for an improvement in a horse-power, hereby appoints C. D., of the city of ———, State of ———, his attorney, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith.

A. B.

Signed at ———, and State of ———, this ——— day of ———, 18—.

15. REVOCATION OF POWER OF ATTORNEY.

The undersigned having, on or about the 26th day of December, 1867, appointed C. D., of the city of ——— and State of ———, his attorney to prosecute an application for letters patent, made on or about the 1st day of June, 1868, for an improvement in the running-gear of wagons, hereby revokes the power of attorney then given.

Signed at ———, ———, this 21st day of July, 1869.

A. B.

SPECIFICATION.

16. FOR A MACHINE.

To all whom it may concern:

Be it known that I, [here insert the name of the inventor,] of ———, in the county of ———, and State of ———, have invented a new and useful improvement in saw-tothing machines, which improvement is fully set forth in the following specification, reference being had to the accompanying drawings:

The object of my invention is to rapidly form, on the blade of a hand-saw, teeth gradually decreasing in size from the broad to the narrow end of the blade, by the combination, in a saw-tothing machine, of a tapering barrel, E, and a chain, or its equivalent, with rollers, a a^1 , for feeding, or with a slide for carrying the blade A, as shown in the perspective view, Fig. 1, of the accompanying drawing.

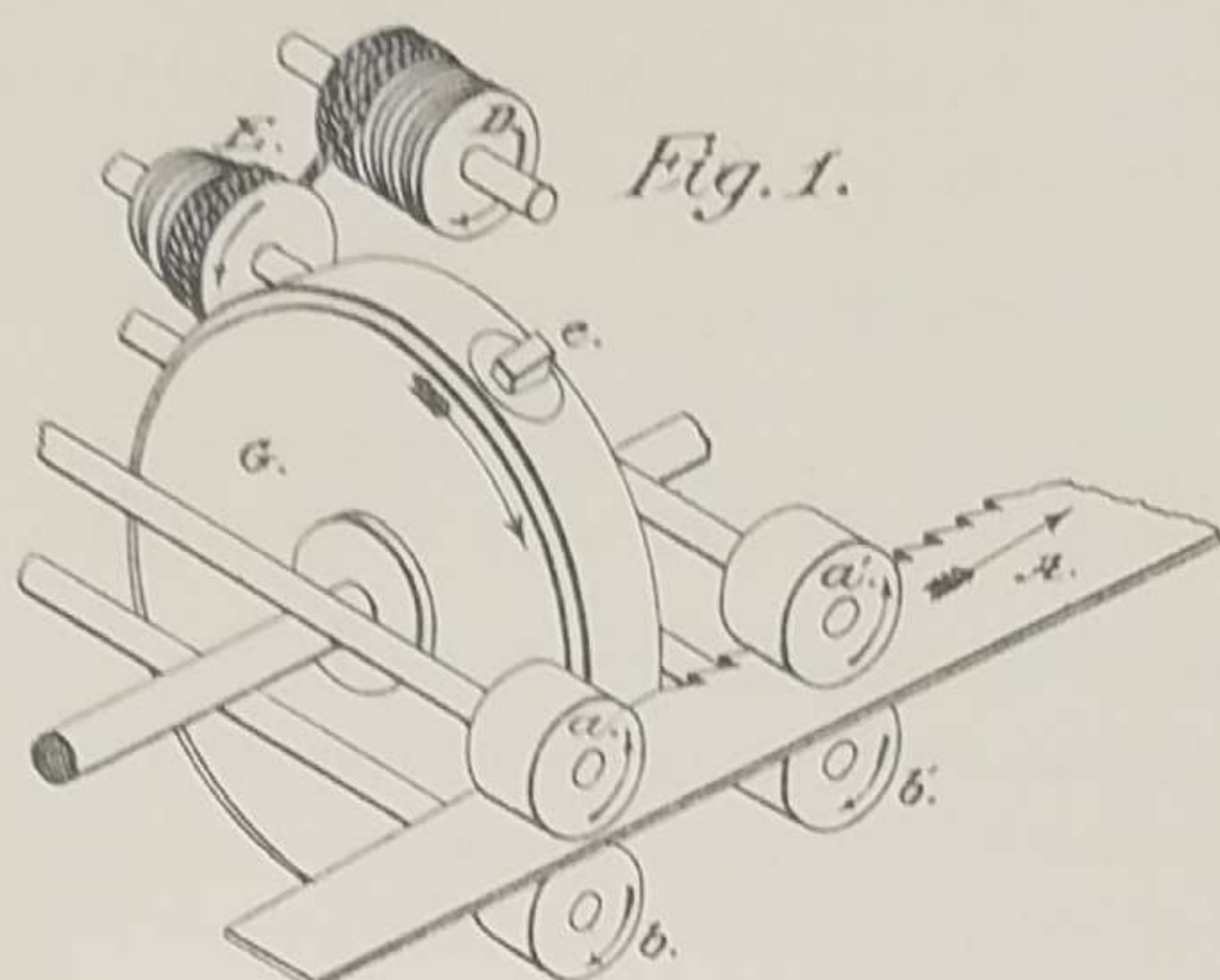


Fig. 1.

Fig. 2.

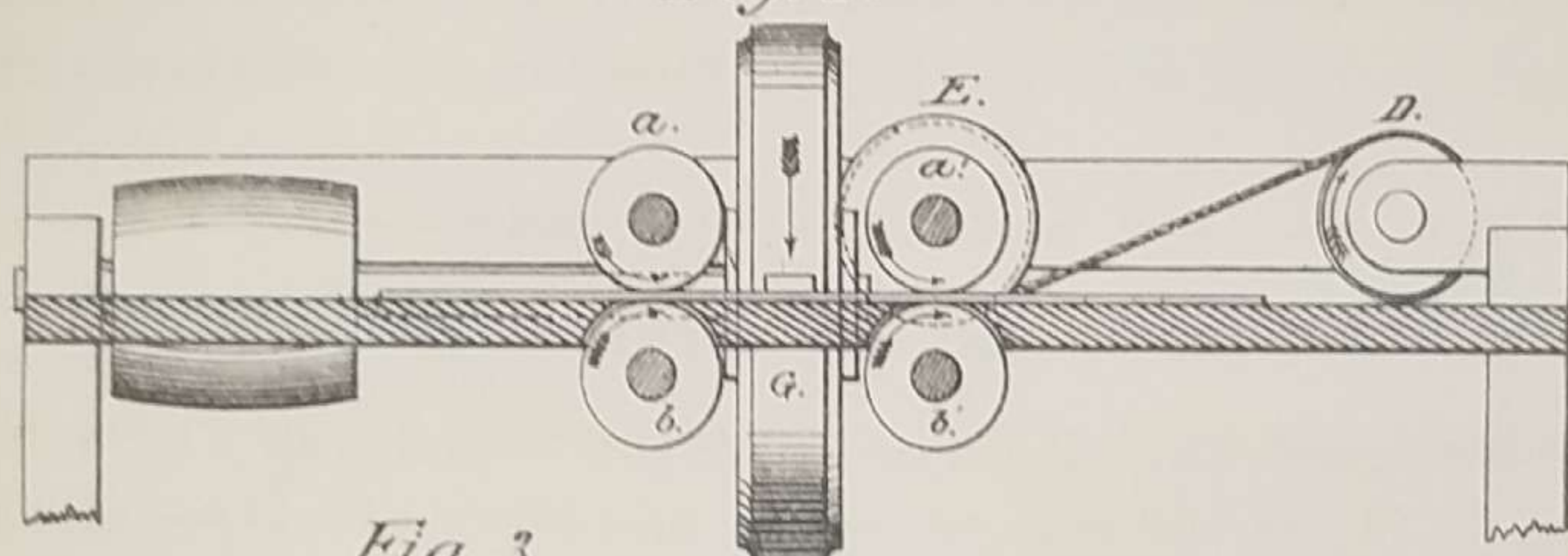
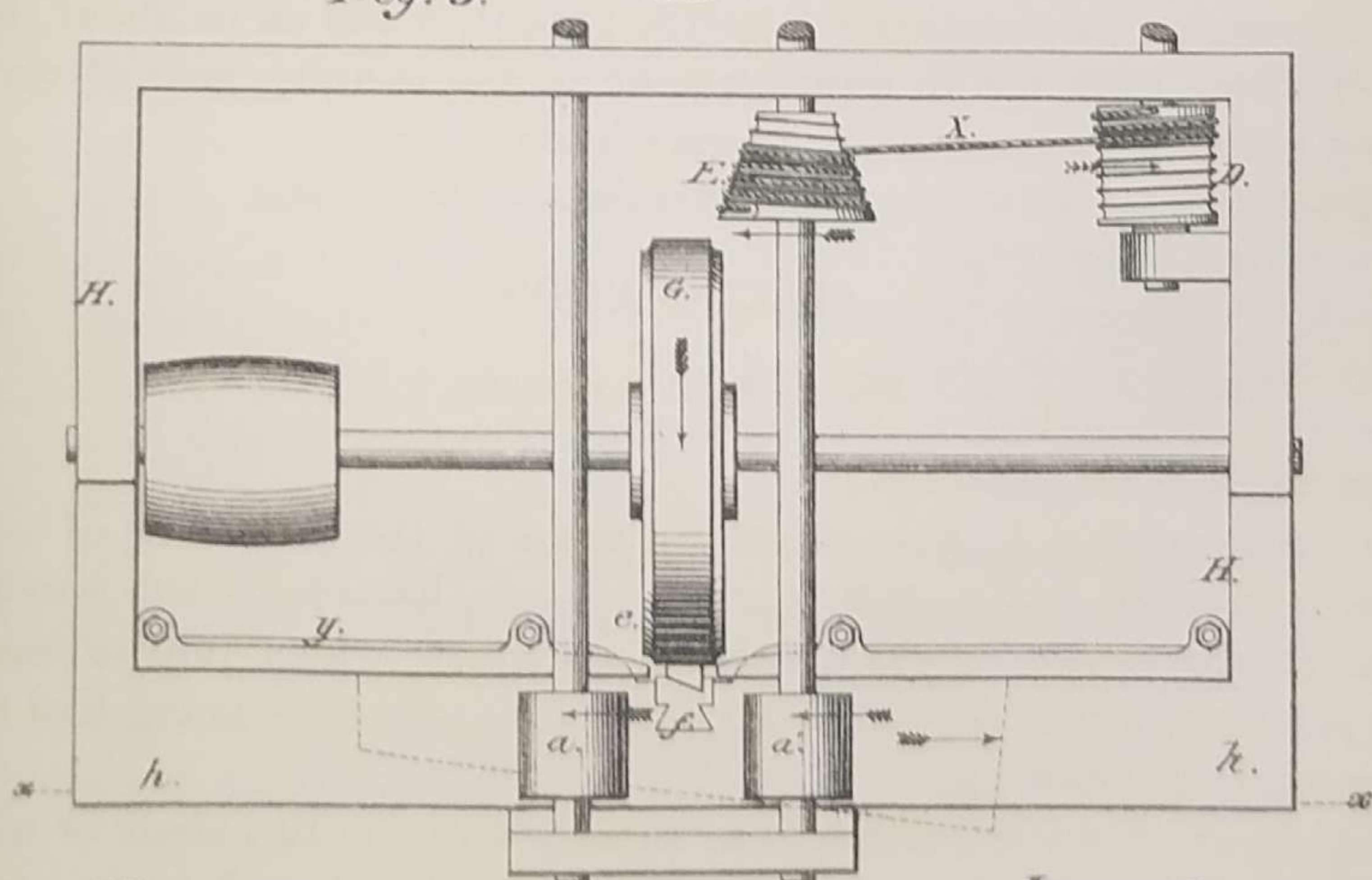


Fig. 3.



Witnesses;
E. F. F. F.
G. H. H. H.

Inventor;
A. B. B. B. B.
Per, C. D. D. D. D.
Atty.

The machine is illustrated more in detail in the plane view, Fig. 3, and in the vertical section, Fig. 2, in which it has not been deemed necessary to show the driving mechanism. The blade is held by and between the two upper rollers, $a a^1$, (the latter being a feed-roller,) and two lower rollers, $b b^1$, and is made to traverse in the direction of the arrow, at a gradually decreasing speed, by causing a barrel, D, to unwind a chain or its equivalent from a tapering barrel, E, on the shaft B. The several shafts have their bearings in a simple frame, H, the front portion h of the latter forming a table, which, in conjunction with the lower rollers, supports the blade, as the latter is caused to traverse with its edges in contact with the adjustable guides $y y$, on the frame. In this table is a fixed die or anvil, f , on which the blade bears, and in which is a triangular notch, corresponding in shape to a punch, e , on a rapidly revolving disk, G.

As the blade moves at a gradually decreasing speed in the direction of the arrow, the punch will strike triangular pieces from its edge, and the result will be the formation of the desired graduated teeth.

It will be evident that the driving-barrel, D, may be tapering, and the barrel, E, cylindrical, or that both barrels may be tapering, and arranged to feed gradually faster instead of gradually slower, with the same result, and that the blade may be clamped to a guided sliding bed, controlled by a tapering barrel and cord or chain.

I claim as my invention—

The combination in a saw-tooth machine, substantially as described, of a tapering barrel and chain, with a roller for feeding the blade.

A. B.

Witnesses: C. D.

E. F.

[NOTE.—The accompanying illustration is furnished to show what the character and general arrangement of a Patent Office drawing should be, and it is given with express reference to what has been said relative to the drawing for the Official Gazette. But it must be remembered that, in consequence of the reduction necessary to make it fit the page, the character of the work itself is *not* that which an original drawing on a sheet 10 by 15 inches should possess. All the shaded parts in such a drawing should be much more open, the spaces between the lines being fully twice as large, so that when the same is reduced and photolithographed the result may be clear and satisfactory.]

17. FOR A PROCESS.

To all whom it may concern:

Be it known that I, [here insert the name of the inventor,] of ———, in the county of ———, and State of ———, have invented a new and useful process for separating smut and other impurities from wheat, which process is fully set forth in the following specification:

This invention relates to that class of processes employed for removing “smut” and other impurities mixed with and adhering to grain; and it

consists in mixing "newly-slaked" lime, while yet warm, with the grain before it is passed through the smut-mill.

In carrying out our invention, take of lime newly slaked and while yet warm, one and a half pounds to each hundred pounds of wheat. Mix the lime well with the wheat, let it stand one hour, then pass it through a smut-mill in the usual way, and it will be found that all the lime, smut, dirt, and other impurities attached to the wheat, of every kind, and which no smut-mill, without my liming process, will fully separate, will be entirely removed, and the flour will be as white and as sweet as though made from the best of wheat.

We are aware that lime has before been used for the purpose of cleaning wheat, being first mixed with the grain as above proposed, and the whole being then passed through a smut-mill; but in all previous processes, so far as we are aware, the lime has been used in a cold state, and for this reason they have proved ineffectual. We propose to take lime newly slaked and while yet warm.

We claim as our invention—

The process of cleaning wheat by mixing with it lime newly slaked and warm before passing it through a smut-mill, so as to cleanse the wheat from all impurities, substantially as described.

A. B.
C. D.

Witnesses: E. F.
G. H.

18. FOR A COMPOSITION OF MATTER.

Te all whom it may concern :

Be it known that I, [here insert the name of the inventor,] of ———, in the county of ———, and State of ———, have invented a new and useful compound, called "wool-oil," which compound is fully described in the following specification:

This invention relates to that class of compounds used to lubricate wool in the process of manufacture; and it consists in a composition formed by mixing any one or more of the oils ordinarily used in manufacturing wool, such as olive, lard, or rape-seed oil, with a solution of an oil-soap.

To prepare the wool-oil, take a quantity of oil-soap of any kind, provided the quality be good, and dissolve the same in hot water, say about thirty pounds of oil-soap to thirty gallons of water, or a sufficient quantity of soap to saturate the water. Then take equal parts, by measure, of olive, lard, rape-seed, or any other kind of oil which can be used on wool in the process of its manufacture, and mix with it the preparation aforesaid, to wit, the soap solution, which, after such mixture, is ready to be used on the wool with as beneficial an effect as if pure oil only had been used. This wool-oil will not decompose by age, because the oil of soap neutralizes the stearine in the oil; hence there is nothing to decompose. And for the same reason spontaneous combustion cannot be produced.

I claim—

A compound consisting of an oil or oils, ordinarily used in the lubrication of wool, in combination with a solution of an oil-soap, substantially as and for the purpose specified.

C. D.

Witnesses: E. F.

G. H.

19. FOR A DESIGN.

To all whom it may concern :

Be it known that I, [here insert the name of the originator of the design,] of ———, in the county of ———, and State of ———, have originated and designed a pattern for carpets, or other fabrics, of which the following is a full, clear, and exact description, reference being had to the accompanying photographic illustration or drawing, making part of this specification :

The nature of my design is fully represented in the accompanying photographic illustration, to which reference is made.

A represents a portion of the body of the carpet and B a portion of the border. The body may be ornamented with any figures that may be selected ; but the border consists of three parallel stripes, the middle one wide, and the other two narrow. Along the middle stripe of the border run two angular bars, crossing each other and intertwining, as shown, while the narrow stripes are ornamented with rows of spots arranged in groups of three, so as to form triangles.

I prefer to make the middle stripe white and the side stripes red, while the intertwining bars are of gold and green ; but I do not consider the colors selected to be an essential element in my design.

I am aware that carpet-borders composed of a wide central stripe and two narrow side stripes are not new, and I do not claim them. The distinctive character of my design is found in the figures, which are wrought into a border thus composed of stripes.

What I claim as my invention is—

A design for a carpet in which the border is composed of stripes ornamented substantially in the manner above described.

20. FOR A TRADE-MARK.

To all whom it may concern :

Be it known that I, [here insert the name of the applicant,] of ———, in the county of ——— and State of ———, have adopted for ——— use a trade-mark for cotton sheetings, of which the following specification is a full, clear, and exact description :

Our trade-mark consists of the words and letters "S. N. & Co.'s Buckeye Sheetings." These have generally been arranged as shown in the accompanying drawing ; above and below the figure of a man represented as ascending the side of a mountain and carrying a banner, upon which is inscribed the word "Buckeye ;" and the whole has been inclosed

within an ornamental border, substantially like that shown in the drawing. But the figure of the man with the banner may be omitted, or some other device substituted for it, and the border may be changed at pleasure, or omitted altogether, without materially changing the character of our trade-mark, the two essential features of which are the letters "S. N. & Co.'s" and the word "Buckeye."

This trade-mark we have used in our business for ten years last past. The particular goods upon which we have used it are made of cotton, and known as "sheetings;" and we have been accustomed to print it in blue ink upon the outside of each piece of the manufactured goods. We have also printed it upon labels, which have afterward been pasted upon the separate pieces of sheetings, and also placed upon the outside of the cases in which the goods have been packed.

S. N. & CO.,
By S.

Witnesses: A. B.,
C. D.

21. AMENDMENT.

WASHINGTON, D. C., July 20, 1869.

To the Commissioner of Patents:

In the matter of my application for letters patent for an improvement in wagon-brakes, I hereby amend my specification by striking out all between the ninth and twentieth lines, inclusive, on page 3; by inserting the words "*connected with*" after the word "*and*" in the first line of the second claim; and by striking out the third claim and substituting therefor the following:

3. The combination of the self-acting brake C, pin A, and slotted flanges D, substantially as described, and for the purposes set forth.

A. B.,
By C. D.,
His Attorney in Fact.

OATHS.

22. BY A SOLE INVENTOR.

(To follow specification.)

STATE OF ———, *County of* ———, ss:

A. B., the above-named petitioner, being duly sworn, (or affirmed,) deposes and says that he verily believes himself to be the original and first inventor of the improvement in seed-drills described and claimed in the foregoing specification; that he does not know and does not believe that the same was ever before known or used; and that he is a citizen of ———, and a resident of ———.

A. B.

Sworn to and subscribed before me this 13th day of March, 1869.

C. D.,
Justice of the Peace.

[If the applicant be an alien, the sentence "and that he is a citizen of the United States" will be omitted, and in lieu thereof will be substi-

tuted "and that he is a citizen of the Republic of Mexico," or "and that he is a subject of the King of Italy," or "of the Queen of Great Britain," or as the case may be.

If the applicants claim to be *joint inventors*, the oath will read "that they verily believe themselves to be the original, first, and joint inventors," &c.

If the inventor be dead, the oath will be taken by the administrator or executor, and will declare his belief that the party named as inventor was the original and first inventor.]

23. BY AN APPLICANT FOR A REISSUE, (INVENTOR.)

STATE OF ———, *City and County of* ———, ss:

A. B., the above-named petitioner, being duly sworn, (or affirmed,) deposes and says that he verily believes that, by reason of an insufficient or defective specification, his aforesaid letters patent are inoperative or invalid; that the said error has arisen from inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, to the best of his knowledge and belief; that he is the sole owner of said letters patent; [or, "that E. F. is the sole owner of said letters patent, and that this application is made on the behalf and with the consent of said E. F.;"] and that he verily believes himself to be the first and original inventor of the improvement set forth and claimed in this amended specification.

A. B.

Sworn to and subscribed before me this 26th day of July, 1869.

C. D.,

Notary Public.

[Notarial seal.]

24. BY AN APPLICANT FOR A REISSUE, (ASSIGNEE.)

(To be used only when the inventor is dead or when the patent was issued and assigned prior to July 8, 1870.)

STATE OF ———, *County of* ———, ss:

A. B. and C. D., the above-named petitioners, being duly sworn, (or affirmed,) depose and say that they verily believe that, by reason of an insufficient specification, the aforesaid letters patent granted to E. F. are inoperative; that the said error has arisen from inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, to the best of their knowledge and belief; that the entire title to said letters patent is vested in them; and that they verily believe the said E. F. to be the first and original inventor of the invention set forth and claimed in the foregoing amended specification; and that the said E. F. is now deceased.

A. B.

C. D.

Sworn to and subscribed before me this 14th day of November, 1869

A. B.,

Justice of the Peace.

25. BY AN APPLICANT FOR EXTENSION, (PATENTEE.)

STATE OF ———, *County of* ———, ss:

A. B., the above-named applicant, being duly sworn, (or affirmed,) deposes and says that the foregoing statement and account by him signed are correct and true in all respects and particulars, to the best of his knowledge and belief.

A. B.

Sworn to and subscribed before me this 1st day of November, A. D. 1868.

C. D.,
Justice of the Peace.

26. BY AN APPLICANT FOR AN EXTENSION, (EXECUTOR.)

STATE OF ———, *County of* ———, ss:

A. B., executor of the last will and testament of Simon Newcome, deceased, being duly sworn, (or affirmed,) deposes and says that the foregoing statement and account by him subscribed are correct and true in all respects and particulars, to the best of his information, knowledge, and belief.

A. B.,
Executor, &c.

Sworn to and subscribed before me this 20th day of May, 1869.

C. D.,
Justice of the Peace.

27. SUPPLEMENTAL OATH TO ACCOMPANY A NEW OR AN ENLARGED CLAIM.

STATE OF ———, *County of* ———, ss:

A. B., whose application for letters patent for an improvement in seed-drills was filed in the United States Patent Office on or about the 15th day of March, 1869, being duly sworn, (or affirmed,) deposes and says that, in addition to the claims originally made, he verily believes himself to be the original and first inventor of the improvement as described and claimed in the foregoing amendment, and that he does not know, and does not believe, that the same was ever before known or used.

A. B.

Sworn to and subscribed before me this 11th day of July, 1870.

C. D.,
Justice of the Peace.

28. OATH AS TO THE LOSS OF LETTERS PATENT.

STATE OF ———, *County of* ———, ss :

A. B., of said county, being duly sworn, (or affirmed,) doth depose and say that the Letters Patent No. 12213, granted to him, and bearing

date on the 9th day of January, A. D. 1855, have been either lost or destroyed; that he has made diligent search for the said letters patent in all places where the same would probably be found, if existing, and that he has not been able to find them.

A. B.

Subscribed and sworn to before me this 5th day of October, 1868.

C. D.,

Justice of the Peace.

29. OATH OF ADMINISTRATOR AS TO THE LOSS OF LETTERS PATENT.

STATE OF ———, *County of* ———, ss:

A. B., of said county, being duly sworn, doth depose and say that he is administrator of the estate of E. F., deceased, late of Boston, in said county; that the Letters Patent No. 12219, granted to said E. F., and bearing date on the 9th day of January, A. D. 1855, have been lost or destroyed, as he verily believes; that he has made diligent search for the said letters patent in all places where the same would probably be found, if existing, and especially among the papers of the decedent, and that he has not been able to find said letters patent.

A. B.,

Administrator, &c.

Subscribed and sworn to before me this 5th day of October, 1868.

C. D.,

Justice of the Peace.

30. OATH OF APPLICANT FOR REGISTRATION OF A TRADE-MARK.

STATE OF ———, *County of* ———, ss:

A. B., being duly sworn, deposes and says that he is a member of the firm of A. B., C. D. & Co., above named; that he verily believes that said firm has the right to the use of the trade-mark described in the foregoing specification, and that no other person, firm, or corporation has the right to such use, either in the identical form or having such near resemblance thereto as might be calculated to deceive; and that the description and fac-simile presented for record are true copies of the trade-mark sought to be protected, and that he resides in ——— and all the other members of the firm reside at ———, in the State of ———; and that they are all domiciled in ———, and are citizens of ———.

A. B.

Sworn to and subscribed before me this 15th day of July, 1870.

E. F.,

Justice of the Peace.

APPEALS.

31. FROM THE EXAMINER TO THE EXAMINERS-IN-CHIEF.

To the Commissioner of Patents:

SIR: I hereby appeal to the examiners-in-chief from the decision of the principal examiner in the matter of my application for letters patent for an improvement in wagon-brakes, which, on the 20th day of July, 1869, was rejected the second time. The following are assigned for reasons of appeal: (Here follow the reasons.)

A. B.

31a. FROM THE EXAMINER OF TRADE-MARKS TO THE COMMISSIONER.

To the Commissioner of Patents:

SIR: I hereby appeal to you in person from the decision of the examiner of trade-marks, dated November 15, 1872, in the matter of my application for the registration of a trade-mark for cigars. The following are the reasons assigned: (Here follow the reasons.)

32. FROM THE EXAMINER IN CHARGE OF INTERFERENCES TO THE EXAMINERS-IN-CHIEF.

To the Commissioner of Patents:

SIR: I hereby appeal to the examiners-in-chief from the decision of the principal examiner in charge, in the matter of the interference between my application for letters patent for improvement in sewing-machines and the letters patent of A. B., in which priority of invention was awarded to said A. B. The following are assigned for reasons of appeal: (Here follow the reasons.)

C. D.

33. FROM THE EXAMINERS-IN-CHIEF TO THE COMMISSIONER.

To the Commissioner of Patents:

SIR: We hereby appeal to the Commissioner in person from the decision of the examiners-in-chief, in the matter of our application for the reissue of letters patent for an improvement in cotton-presses, granted to A. B., May 18, 1865. The following are assigned for reasons of appeal: (Here follow the reasons.)

C. D.

E. F.

34. FROM THE COMMISSIONER TO THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

WASHINGTON, D. C., July 20, 1871.

To the Supreme Court of the District of Columbia, in banc:

The petition of A. B., of ———, in the county of ———, and ———, respectfully sheweth: That he has heretofore invented a new and

useful improvement in velocipedes; that on or about the 1st day of May, 1870, he applied to the Patent Office of the United States for a patent for the same, [or for the reissue of a patent granted therefor under date of June 10, 1862,] and complied with the requirements of the several acts of Congress, and with the rules of the Patent Office prescribed in such cases; that his said application was rejected by the Commissioner of Patents on appeal to him on or about June 20, 1871; that he has filed in said Office due notice to the Commissioner of Patents of this his appeal, accompanied with the reasons of appeal; and that the Commissioner has furnished him with complete copies of all the original papers and evidence in the case, all of which, together with a copy of the reasons of appeal, accompany this petition, and are to be taken as a part hereof.

And the said A. B. prays that his said appeal may be heard and determined by your honorable court at such early time as may be appointed for that purpose; and that the Commissioner of Patents may be duly notified of the same, and directed in what manner to give notice thereof to the parties interested.

A. B.

To the Commissioner of Patents:

A. B., of ———, in the county of ———, and State of ———, hereby gives notice that he has appealed from your decision, rendered on or about the 20th day of June, 1871, rejecting his application for a patent [or for a reissue of a patent granted to him June 10, 1862] for an improvement in velocipedes; and of this you are respectfully requested to take notice.

And the said A. B. assigns the following reasons for appealing from the said decision of the Commissioner of Patents, viz:

[Here follow reasons, which should be full and explicit, and constitute a brief of the appellant's argument.]

A. B.

35. RULES OF THE SUPREME COURT IN APPEALS FROM THE COMMISSIONER OF PATENTS, ADOPTED NOVEMBER 30, 1870.

1. The appellant's petition shall be addressed to the court, and shall be substantially as follows:

"To the Supreme Court of the District of Columbia, in banc, ——— —, 187—

"The petition of ——— ———, a citizen of ———, in the [State, Territory, District] of ——— ———, respectfully shows as follows:

"a. About the ——— day of ———, 18—, I invented [describe the subject of the desired patent in the identical words of the application to the Patent Office.]

"b. On the ——— day of ———, 18—, in the manner prescribed by law, I presented my application to the Patent Office, praying that a patent be issued to me for said invention.

"c. Such proceedings were had in said Office, upon said application, that on the ——— day of ———, 18—, it was rejected by the Commissioner of Patents.

"d. I thereupon appealed to this court, and gave notice thereof to the Commissioner and filed in his Office the following reasons for said appeal:

"e. The Commissioner of Patents has furnished me a complete copy of all the proceedings in his Office upon my said application, which copy has been filed herewith, and is to be taken as part hereof.

"f. And thereupon I pray that the court do revise and reverse said decision, to the end that justice may be done in the premises.

"———."

2. This petition shall be filed in the clerk's office of this court; and as soon as the petitioner has made the deposit required by law at the commencement of suits in this court, or said deposit has been dispensed with, the clerk shall enter the case in a docket to be provided by him for the purpose, and in which a brief of said filing and of all subsequent proceedings in the case shall be entered as and when they successively occur, down to and including the final decision.

3. The clerk shall provide a minute-book of his office, in which he shall record every order, rule, judgment, or decree of the court in each case, in the order of time in which said proceedings occur; and of this book there shall be two alphabetical indexes, one showing the name of the party applying for the patent, and the other designating the invention by its subject-matter or name.

4. The cases in the docket of causes shall be successively numbered from No. 1 onward, and each case shall also be designated by the number assigned to it on the records of the Patent Office.

5. This docket shall be called for the trial of the cases thereon on the first day of each session of this court in general term, provided the petition has been filed ten days before the commencement of the term.

6. The opinions of the court, when written, shall be kept by the clerk in the order of their delivery and in a temporary book-file, indexed; and when so many have been delivered as will make a volume of convenient size he shall cause them to be bound.

7. The clerk shall furnish to any applicant a copy of any paper in any of said appeals on payment of the lawful fees.

8. Hearings of said appeals shall be subject to the rules of the court provided for other causes therein.

9. When the testimony of the Commissioner, or of any examiner, touching the principles of invention in question shall be deemed necessary, it shall be taken orally in open court, unless otherwise ordered by the court. And, in such case, the court may order it to be reduced to writing, and filed or entered on its minutes, if it think proper.

10. The final judgment or order of the court shall not recite any of the facts made to appear in the case, but shall be to the following effect:

"This appeal having been heard upon the record from the Patent Office, [and upon the testimony of the Commissioner of Patents,] [of one of the examiners,] [touching the principles of the invention,] and having been argued by [counsel for] the petitioner and [for] the Commissioner:

"It is thereupon ordered and adjudged that the [petition be dismissed] [Commissioner do issue to the petitioner a patent,] [as prayed,] [granting the petitioner (*so and so.*)]

"And that the clerk of this court transmit to the Commissioner of Patents a copy of this decree duly authenticated."

36. DISCLAIMER.

To the Commissioner of Patents:

Your petitioner, A. B., of ———, county of ———, and State of ———, represents that he has, by grants duly recorded in the United States Patent Office, (liber —, p. —,) become the owner of an exclusive right within and for the several States of (Maine, New Hampshire, and Vermont,) to make, use, and vend to others to be used, a certain improved mechanical movement, for which letters patent of the United States were granted to C. D. of ———, in the county of ———, and State of ———, April 1, 1869; that he has reason to believe that, through inadvertence, accident, or mistake, the specification and claim of said letters patent are too broad, including that of which said patentee was not the first inventor. Your petitioner, therefore, hereby enters his disclaimer to that part of the claim in said specification which is in the following words, to wit:

"I also claim the sleeves A B, having each a friction cam, C, and connected, respectively, by means of chains or cords K L and M N, with an oscillatory lever, to operate substantially as herein shown and described."

A. B.

Witness:

C. D.

37. CAVEAT.

The petition of A. B., of ———, in the county of ———, and State of ———, respectfully represents:

That he has made certain improvements in velocipedes, and that he is now engaged in making experiments for the purpose of perfecting the same, preparatory to applying for letters patent therefor. He therefore prays that the subjoined description of his invention may be filed as a caveat in the confidential archives of the Patent Office.

A. B.

Specification.

The following is a description of my newly-invented velocipede, which is as full, clear, and exact as I am able at this time to give, reference being had to the drawing hereto annexed.

This invention relates to that class of velocipedes in which there are two wheels connected by a beam forming a saddle for the rider, the feet being applied to cranks that revolve the front wheel.

The object of my invention is to render it unnecessary to turn the front wheel so much as heretofore, and at the same time to facilitate the turning of sharp curves. This I accomplish by fitting the front and the hind wheels on vertical pivots, and connecting them by means of a diagonal bar, as shown in the drawing, so that the turning of the front wheel also turns the back wheel with a position at an angle with the beams, thereby enabling it easily to turn a curve.

In the drawing, A is the front wheel, B the hind wheel, and C the standards extending from the axle of the front wheel to the vertical pivot *a* in the beam *b*, and D is the cross-bar upon the end of *a*, by which the steering is done. The hind wheel B is also fitted with jaws *c* and a vertical pivot, *d*.

A. B.

Witnesses:

C. D. .

E. F.

[The form of oath will be substantially that provided for original applications, except that, as a caveat can only be filed by a citizen, or an alien who has resided for one year last past in the United States, and made oath of his intention to become a citizen, the oath should be modified accordingly.]

ASSIGNMENTS.

38. OF AN UNDIVIDED FRACTIONAL INTEREST IN AN INVENTION BEFORE THE ISSUE OF LETTERS PATENT.

In consideration of one dollar, to me paid by C. D., of ———, I do hereby sell and assign to said C. D. an undivided half of all my right title, and interest in and to a certain invention in plows, as fully set forth and described in the specification which I have prepared [if the application has been already made, say “and filed”] preparatory to obtaining letters patent of the United States therefor. And I do hereby authorize and request the Commissioner of Patents to issue the said letters patent jointly to myself and the said C. D., our heirs and assigns.

Witness my hand this 16th day of February, 1868.

A. B.

39. OF THE ENTIRE INTEREST IN LETTERS PATENT.

In consideration of five hundred dollars, to me paid by C. D., of ———, I do hereby sell and assign to the said C. D. all my right, title, and interest in and to the letters patent of the United States No. 41806, for an improvement in locomotive head-lights, granted to me July 30,

1864, the same to be held and enjoyed by the said C. D. to the full end of the term for which said letters patent are granted, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made.

Witness my hand this 10th day of June, 1869.

A. B.

40. OF AN UNDIVIDED INTEREST IN THE LETTERS PATENT AND EXTENSION THEREOF.

In consideration of one thousand dollars, to me paid by C. D., of ———, I do hereby sell and assign to the said C. D. one undivided fourth part of all my right, title, and interest in and to the letters patent of the United States No. 10485, for an improvement in cooking-stoves, granted to me May 16, 1856; the same to be held and enjoyed by the said C. D. to the full end of the term for which said letters patent are granted, and for the term of any extension thereof, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made.

Witness my hand this 7th day of January, 1869.

A. B.

41. EXCLUSIVE TERRITORIAL GRANT BY AN ASSIGNEE.

In consideration of one thousand dollars, to me paid by C. D., of ———, I do hereby grant and convey to the said C. D. the exclusive right to make, use, and vend within the State of ———, and in no other place or places, the improvement in corn-planters for which letters patent of the United States, dated August 15, 1867, were granted to E. F., and by said E. F. assigned to me December 3, 1867, by an assignment duly recorded in liber X^s, p. 416, of the records of the Patent Office, the same to be held and enjoyed by the said C. D. as fully and entirely as the same would have been held and enjoyed by me if this grant had not been made.

Witness my hand this 19th day of March, 1868.

A. B.

42. LICENSE—SHOP-RIGHT.

In consideration of fifty dollars to be paid by the firm of S. J. & Co., of ———, I do hereby license and empower the said S. J. & Co. to manufacture, at a single foundery and machine shop in said ———, and in no other place or places, the improvement in cotton-seed planters for which letters patent of the United States No. 71846 were granted to me November 13, 1868, and to sell the machines so manufactured throughout the United States, to the full end of the term for which said letters patent are granted.

Witness my hand this 22d day of April, 1869.

A. B.

43. LICENSE—NOT EXCLUSIVE—WITH ROYALTY.

This agreement, made this 12th day of September, 1868, between A. B., party of the first part, and C. D. & Co., party of the second part, witnesseth, that, whereas letters patent of the United States for an improvement in horse-rakes were granted to the party of the first part, dated October 4, 1867; and whereas the party of the second part is desirous of manufacturing horse-rakes containing said patented improvement: now, therefore, the parties have agreed as follows:

I. The party of the first part hereby licenses and empowers the party of the second part to manufacture, subject to the conditions hereinafter named, at their factory in ———, and in no other place or places, to the end of the term for which said letters patent were granted, horse-rakes containing the patented improvements, and to sell the same within the United States.

II. The party of the second part agrees to make full and true returns to the party of the first part, under oath, upon the first days of July and January in each year, of all horse-rakes containing the patented improvements manufactured by them.

III. The party of the second part agrees to pay to the party of the first part five dollars, as a license-fee upon every horse-rake manufactured by said party of the second part containing the patented improvements; provided, that if the said fee be paid upon the days provided herein for semi-annual returns, or within ten days thereafter, a discount of fifty per cent. shall be made from said fee for prompt payment.

IV. Upon a failure of the party of the second part to make returns, or to make payment of license-fees, as herein provided, for thirty days after the days herein named, the party of the first part may terminate this license by serving a written notice upon the party of the second part; but the party of the second part shall not thereby be discharged from any liability to the party of the first part for any license-fees due at the time of the service of said notice.

In witness whereof the parties above named (the said Uniontown Agricultural Works, by its president) have hereunto set their hands the day and year first above written.

A. B.

C. D. & CO.

44. TRANSFER OF A TRADE-MARK.

We, A. B. and C. D., of ———, partners under the firm-name of B. & D., in consideration of five hundred dollars to us paid by E. F., of the same place, do hereby sell, assign, and transfer to the said E. F. and his assigns the exclusive right to use in the manufacture and sale of stoves a certain trade-mark for stoves deposited by us in the United States Patent Office, and recorded therein July 15, 1870; the same to be held, enjoyed, and used by the said E. F., as fully and entirely as the

same would have been held and enjoyed by us if this grant had not been made.

Witness our hands this 20th day of July, 1870.

A. B.

C. D.

EXTENSIONS.

45. STATEMENT AND ACCOUNT.

In the matter of the application of A. B., of the city, county, and State of New York, executrix of the last will and testament of C. D., deceased, for extension of Letters Patent No. 10817, granted to him January 9, 1855, for improvements in mowing-machines.

To the Commissioner of Patents:

The applicant respectfully represents that, prior to obtaining the letters patent now sought to be extended, the said C. D. was a farmer; that his attention was called to the subject of mowing-machines by the difficulty of cutting grass by the machines then in use; that, after numerous patient and costly experiments, he succeeded in perfecting his invention and in obtaining his patent. He immediately made arrangements to manufacture the improvement, and for this purpose sold three-fourths of his farm. He then, with others, built a factory and commenced operations; but, two years afterward, the establishment was destroyed by fire, without insurance. In the exposure at the fire C. D. contracted a disease which confined him to the house for three years, when he died, leaving applicant, his executrix and widow, with a large family and small means. Nevertheless, applicant made every effort to induce manufacturers to use the improvement, and at last succeeded in inducing the firm of E. T. & Co., of ———, to recommence the manufacture of the machines. But after four years the firm failed, being largely in debt to applicant for royalties. After this it became impossible for applicant to do anything with the invention. She wrote to various manufacturers, and made personal application to others; but found them unwilling to make arrangements to pay royalties, or to use the invention in any way, unless she would sell the patent, including the extension, for a nominal sum. She states, however, that she has at length succeeded in perfecting an agreement with G. H. & Co., of ———, conditioned upon the extension, whereby the said firm agreed to manufacture the patented machines, and to pay her a royalty of three dollars upon each one made. Aside from the interest so vested in G. H. & Co., the entire interest in the extension remains vested in her, and she has made no assignment, contract, or agreement of any kind for the sale or assignment of the extended term to any person whatsoever.

The following is believed to be a correct statement of receipts and expenditures, and is as full as it is possible to make it:

Receipts.

From profits from business, (for particulars of which see Schedule A)	\$1,236 00
From royalties from E. T. & Co., (for details of which see Schedule B)	2,341 50
From sale of shop-right to L. M.	250 00
Total receipts.....	3,827 50

Expenditures.

Expense of procuring patent	250 00
Net receipts	3,577 50

The invention is exceedingly useful, as will be abundantly proved. The testimony will show that it has been introduced upon 20,000 mowing-machines, and has increased the value of said machines not less than three dollars each. It is evident, therefore, that the public have been greatly benefited by the use of this invention; while the fact that C. D. invested his entire time and means, and finally lost his life in the prosecution of his invention, is respectfully offered as proof that he has not been adequately remunerated for his time, ingenuity, and expense bestowed upon this invention, and the introduction thereof into use.

Respectfully submitted.

A. B., *Executrix.*

[Here follows oath. See Form 25.]

46. REASONS OF OPPOSITION TO AN EXTENSION, (BY INDIVIDUALS.)

In the matter of the application of A. B. for an extension of letters patent for improvements in sewing-machines, No. 12213, dated May 15, 1855.

To the Commissioner of Patents:

We wish to oppose the application above referred to, for the following reasons, viz:

First. Applicant was not the original and first inventor of the improvement claimed by him in said letters patent, the same having been fully described in the English patent No. 27, of the year 1853.

Second. If said alleged invention was ever made by applicant, which we deny, it is not *useful*.

Third. Said invention is not *valuable* and *important* to the public.

Fourth. Applicant has been *adequately remunerated* for his time, ingenuity, and expense in originating and perfecting his alleged invention.

Fifth. Applicant has not used due diligence in introducing his alleged invention into general use.

Sixth. Applicant has assigned to other parties all interest in the extension; and the extension, if granted, would not be for his benefit.

(See assignment to C. D., dated April 1, 1864; recorded June 2, 1864, in liber J¹⁰, page 217.)

Seventh. The statement and account filed by applicant do not present a true statement of his receipts and expenditures.

E. F.

G. H.

I. K.

DEPOSITIONS.

47. NOTICE OF TAKING TESTIMONY.

BOSTON, MASSACHUSETTS, *March 29, 1869.*

In the matter of the interference between the application of A. B. for a paper-collar machine, and the patent No. 85038, granted December 15, 1868, to C. D., now pending before the Commissioner of Patents.

SIR: You are hereby notified that on Wednesday, March 31, 1869, at the office of E. F., esq., No. 30 Court street, Boston, Massachusetts, at nine o'clock in the forenoon, I shall proceed to take the testimony of G. H., J. K., and L. M., all of Boston, as witnesses in my behalf.

The examination will continue from day to day until completed. You are invited to attend and cross-examine.

A. B.,

By R. Q., *his Attorney.*

———, *Providence, Rhode Island.*

Proof of service.

STATE OF ———, *County of ———, ss:*

Personally appeared before me, a justice of the peace, the above-named A. B., who, being duly sworn, deposes and says that he served the above notice upon O. P., the attorney of the said C. D., at one o'clock p. m. of the 30th day of March, 1869, by leaving a copy at his office in Providence, Rhode Island, in charge of his partner, R. S.

A. B.

Sworn to and subscribed before me this 31st day of March, 1869.

E. F.

(Service may be acknowledged by the party upon whom it is made as follows:

Service of the above notice acknowledged.

C. D.,

By E. F., *his Attorney.*)

48. FORM OF DEPOSITION.

Before the Commissioner of Patents, in the matter of the interference between the application of A. B., for a paper-collar machine, and the Letters Patent No. 85038, granted December 15, 1868, to C. D.

Depositions of witnesses examined on behalf of A. B., pursuant to the annexed notice, at the office of E. F., No. 30 Court street, Boston, Massachusetts, on Wednesday, March 31, 1869. Present, S. T., esq., on behalf of A. B., and V. W., esq., on behalf of C. D.

G. H.

(1.*)

G. H., being duly sworn, (or affirmed,) doth depose and say, in answer to interrogatories proposed to him by S. T., esq., counsel for A. B., as follows, to wit:

Question 1. What is your name, age, residence, and occupation?

Answer 1. My name is G. H.; I am forty-three years of age; I am a manufacturer of paper collars, and reside in Chelsea, Massachusetts.

Question 2, &c. * * * * *

And in answer to cross-interrogatories proposed to him by V. W., esq., counsel for C. D., he saith:

Cross-question 1. How long have you known A. B.?

Answer 1. * * * * *

G. H.

49. CERTIFICATE OF OFFICER.

(To follow deposition.)

STATE OF ———, }
County of ———, } ss:

At Boston, in said county, on the 31st day of March, A. D. 1869, before me personally appeared the above-named G. H., and made oath that the foregoing deposition, by him subscribed, contains the truth, the whole truth, and nothing but the truth. The said deposition is taken at the request of A. B., at the time and place named in the notice hereto attached, to be used upon the hearing of an interference between the claims of the said A. B. and those of C. D., before the Commissioner of Patents, on the 3d day of May, A. D. 1869.

The said C. D. was duly notified, as appears by the original notice, hereto annexed, and attended by V. W., esq., his counsel.

E. F.,

Justice of the Peace.

The magistrate shall then append to the deposition the notice under which it was taken, shall seal up the testimony and direct it to the Commissioner of Patents, placing upon the envelope a certificate, in substance as follows:

I hereby certify that the within deposition of G. H., [if the package contains more than one deposition, give all the names,] relating to the matter of interference between A. B. and C. D., was taken, sealed up, and addressed to the Commissioner of Patents by me this 26th day of April, A. D. 1869.

E. F.,

Justice of the Peace.

*See Rule 114.

INDEX TO RULES.

	No. of paragraph.
Abandonment of application by neglect to complete or prosecute it.....	7, 39, 127
by filing a formal one.....	27
by non-payment of final fee.....	38
may be proved on interference.....	41, 51
Administrators. (See Executors.)	
Affidavits to support application to be received only as to practicability.....	31
Amendments, when they may be made.....	31, 60
only on Commissioner's order after second rejection.....	31
and recommendation of examiner or board.....	31
must introduce nothing new.....	32
enlarging claim must be sworn to.....	11
not received pending interference.....	60
Appeals, regulation respecting hearings on them.....	49
case re-opened after decision only on Commissioner's order.....	45
to examiners-in-chief in <i>ex-parte</i> cases.....	42-45
when they may be taken.....	42, 44
course of proceeding prescribed.....	42
all preliminary questions to be settled first.....	44
reasons of appeal to be filed, of what character.....	42
examiner to answer before hearing.....	42
oral hearing, when allowed, and how conducted.....	42, 49
to what extent the decision may be revised.....	43
to examiners-in-chief in interference cases.....	48, 55
reasons of appeal and brief required.....	48
to Commissioner on preliminary questions from examiner.....	44
from examiner of trade-marks.....	86
from examiners-in-chief, regulations.....	46, 48
on motions in contested cases.....	50
from Commissioner to supreme court of the District of Columbia, reg- ulations to be observed.....	47
when to be heard.....	47
none in interference cases.....	48
Applications, requisites to filing.....	7
when application takes date.....	7
by whom to be made.....	8
in cases of reissues.....	62
how to be written and signed.....	9
alterations in them, how noted.....	9
to contain but one invention, unless connected.....	15
if more, such to be struck out as applicant elects.....	16
may be prosecuted by correspondence or attorney.....	30
or by assignee.....	30
abandoned if not completed or prosecuted for two years.....	7, 39, 127
how long considered pending.....	127

	No. of paragraph.
Applications, kept secret while pending	124
except as required by other business	128
when patented or abandoned, information given respecting them	125, 127
when patented or abandoned, models open for general inspection	126
specifications and drawings also when called for	126
may be put in interference when renewed	41, 51
may be divided when in interference	61
upon what conditions	61
for reissue, what must accompany	62
for registration of trade-mark	84
Arguments, oral, when heard, and at what length	42, 49
not permitted before examiner in extension cases	78
against extensions from parties not remonstrants	75
Assignee, patent, when issued to	2, 100
to prosecute application jointly with inventor, or severally, accord- ing to interest	30
when to hold correspondence with the Office	120
Assignments, what is requisite to make them valid	98
of the whole interest of an undivided part thereof	98
grants of territorial rights	102
both must be recorded in the Patent Office	103
patent may then issue to assignee	100
not unless recorded when final fee is paid	100
correspondence to be with assignee or his agent	101, 120
conveyances of rights not exclusive, licenses, &c	104
need not be recorded	104
what papers respecting assignments will not be recorded	99
of patents and trade-marks, when to be recorded	88, 100, 103
of trade-marks	88
Attorneys may be employed to prosecute applications	30
recommendations and suggestions as to employing them	131
cannot inspect papers without a power	133
correspondence usually to be with them only	120
if that is not satisfactory, power to be revoked	121
appearing for conflicting parties, they are to be notified	123
may be restricted, or excluded for misconduct	134
Briefs, required in interference cases	48
Caveat, how filed, and by whom	92
must embrace but one invention	95
how fully it must be described	95
to be accompanied by drawings when practicable	97
oath required, what it must contain	94
cannot be withdrawn or altered	96
additional papers restricted to original invention	96
copies of it will be furnished	96
may be renewed	93
notice of conflicting application	92, 93
counter application to be filed in three months	92
interference to be declared	92
must be filed, or a copy, if relied on as proof	Sec. 6, 113
Claim in distinct form must follow specification	12
not in conflict in interference may be withdrawn	61

	No. of paragraph.
Commissioner, appeals to, from examiners.....	44-50
examiners-in-chief.....	46-48
examiners of trade-marks	86
appeals to, on contested motions	50
appeals from, to the supreme court of District of Columbia	47, 48
Composition of matter, specimens when required	24
Copies of designs must accompany applications	83
trade-marks also.....	87
will be furnished of papers to be amended	37
caveat papers to the party	96
of specifications, drawings, and patents	126
made on parchment if required.....	126
from works in the library.....	136
of what will be furnished in interference cases	61
testimony in interference and extension cases.....	118
orders for, must specify particulars	107
Correspondence sufficient for prosecuting applications.....	30
regulations for conducting it.....	119-130
must be addressed to the Commissioner of Patents	119
a separate letter required for each distinct matter.....	119
Office will act only on written communications	130
to be with either party, assignee or attorney only	101, 120
postage must be prepaid after July 1, 1873	112
receipt of assignments for record not acknowledged	105
Date of patent.....	38
Depositions, how to be drawn up.....	114, 115-118
to be certified by the magistrate, and how.....	Sec. 3, 113
how to be closed and sent to the Office	Sec. 3, 113
the printing of them required in general.....	118
Designs, patents for, and to whom granted.....	79
how long to run.....	80
proceedings on applications	81
model, not required, when.....	82
if illustrated by photograph or engraving, how mounted	83
ten extra copies then required.....	83
if by drawing must conform to rules for drawings	83
except in certain cases	i, 19
Disclaimers, for what made, and by whom.....	68
how prepared, and the effect they have	68
Drawings to be furnished with application when practicable	18
new, when required on reissues	22
must be referred to in the specification	13
having them prepared by artists advised.....	23
three editions to be printed and published by the Office	19
process by which they are prepared	19
original drawings must be adapted to the process.....	19
quality of paper and ink required	a, c, 19
dimensions and arrangement of figures	b, h, 19
artistic character of work.....	c, d, 19
rules to be observed	d, 19
scales.....	e, 19
reference letters, rules as to	f, 19
title, signatures, and arrangement	g, 19
figure for the Official Gazette	h 19

	No. of paragraph.
Drawings, to bear no irrelevant figure or inscription.....	i, 19
these rules to be strictly enforced, and how	20
exceptions as to designs and trade-marks.....	i, 19
specimen drawings furnished on request.....	21
to be amended on reissue by model only; exception	64
Evidence, Office records, and books may be used on hearing	Sec. 6, 113
notice of using them to be given	Sec. 6, 113
printing of testimony and argument recommended.....	118
Examination of applications, in what order pursued.....	29
renewed after first rejection, if requested.....	33
objections to form to be first considered	29
of original claim renewed on application for reissue	67
of papers not permitted to attorney without power.....	133
Examiners, appeals from.....	42-45, 48, 86
Exceptions to testimony, when to be taken	116
notice to be given to Office and adverse party	116
what will be allowed.....	116
Executors and administrators, when to sign application and oath	8
when patent shall issue to them	2
Extensions, when petition must be filed.....	70
an application required for each division of patent	69
cannot be granted after patent has expired	70
what statements must accompany petition.....	72
when they must be furnished	72
questions to be considered on the hearing.....	73
proof respecting them required.....	73
opposition, how made and what must accompany it	71
notice of it, and reasons to be furnished petitioner	71, 75
and filed in the Office.....	71, 75
testimony in contested cases	74, 78
notice of taking testimony.....	74
time of closing, how determined.....	77
how to be served.....	78
when <i>ex parte</i> will be received.....	Sec. 4, 113
referred to examiner, and his report.....	78
no hearing before him	78
hearing.....	49
hearing adverse parties who have not filed opposition.....	75
have precedence in examination.....	29
Fees, tariff of, and charges.....	107
to be paid in advance	106
in what money.....	110
to what official they may be paid	109
if sent by mail, at the owner's risk	110
on appeal to the supreme court of the District of Columbia.....	47
final, on grant of patent, when to be paid.....	108
consequence of default.....	108
Final fee on grant of patent, when to be paid	108
consequence of default.....	108
Foreign patent, effect of on United States patent for same invention	89
application here should mention it and its date	91
has precedence in order of examination.....	29
requisites of oath in such application.....	90
Hearings generally.....	49

	No. of paragraph.
Hearings before examiners-in-chief on request.....	42
before interference examiner.....	54
before the supreme court of the District of Columbia.....	47
Information furnished on rejections.....	33-35
in interferences.....	61
not as to pending applications.....	124
exception when necessary for other business.....	128
as to rejected and abandoned applications.....	125-127
not as to merit of inventions or on law points.....	129
Inspection of papers restricted after application rejected.....	122
Intercourse between the Office and its suitors should be in writing.....	130, 133
personal with examiners discouraged.....	133
Interferences, in what cases declared.....	51, 52
only when the subject is found patentable.....	59
the claims must be complete for issuing patent.....	51
the issue must be clearly defined.....	51
may be declared to ascertain abandonment.....	41-51
preliminary to be first declared. (See Preliminary Statements). ..	53
judgment in default thereof or founded on its contents.....	53
further proceedings.....	53, 54
notice of interference to be given, and how.....	56
presumption in favor of first applicant.....	57
order of taking testimony.....	57
appeal to examiners-in-chief and Commissioner.....	48, 55, 59
in what cases dissolved.....	59
before whom motion to dissolve is heard.....	59
specifications, how far open to inspection.....	61
claims not in conflict may be withdrawn, &c.....	61
second, on what showing granted.....	60
Joint inventors, what patents they may have.....	3
Label—circular in relation to registration. (Appendix.)	
Letters to the Office. (See Correspondence.)	
Library, rules for consulting.....	136
Licenses under patent need not be recorded.....	104
Mistake, moneys paid under, when refunded.....	111
Model, when required, and how to be made.....	24, 25
must exhibit every feature claimed.....	24
working, desirable.....	26
when returned to applicant.....	27, 28
may be amended on reissue by drawing only; exception.....	64
of designs, when dispensed with.....	82
open to general inspection in patented and abandoned cases.....	126
Moneys, how to be paid, and to whom.....	106, 109, 110
in what.....	110
paid by mistake, when refunded.....	111
if sent by mail, are at the owner's risk.....	110
Motions in contested cases, regulations.....	50
before whom heard.....	50
appeal to Commissioner.....	50
to postpone filing preliminary statement.....	53
hearing in extension cases.....	78
taking testimony in the same.....	78
in interference cases.....	58
generally.....	Sec. 5, 113

	No. of paragraph
Motion to dissolve interference, before whom heard.....	50
New trials in interference cases, on what showing granted.....	60
Notice of appeal to supreme court of District of Columbia.....	47
motions in contested cases.....	50
interferences.....	56
to caveator of conflicting application.....	92, 93
opposition to extension and service.....	71, 72
taking testimony in extension cases and service.....	74, 77
taking testimony generally and service.....	Sec. 1, 113
what proof of service is required.....	Sec. 2, 113
and proof of service to be attached to the deposition.....	Sec. 2, 114
exceptions to testimony.....	11
to conflicting parties who have the same attorney.....	123
Oath to application, by whom made and before whom.....	8, 10, 62
supplemental to amendment.....	11
in extension cases, what required.....	72
when invention is patented abroad.....	90
for caveat.....	94
Patents, who may obtain.....	1-6
in case the inventor dies.....	2
in case of joint inventors.....	3
to assignee.....	2, 100
for what causes granted or refused.....	4-6
proceedings to obtain.....	7-37
for inventions patented abroad.....	89
withheld for non-payment of final fee.....	38, 108
granted on renewed application.....	39-41, 108
when dated.....	38
reissued, granted for the remainder of the original term.....	67
division of, on reissue.....	61
for designs. (See Designs.)	
cannot be extended after expiration.....	69, 70
returned when reissue is refused.....	67
when they expire, in case of foreign.....	89
Pending cases, what are such.....	127
Personal attendance of suitors unnecessary.....	30
Preliminary statements.....	53
what they should contain, and how be prepared.....	53
when open to inspection.....	53
judgment for default thereof or founded thereon.....	53
proof precluded of earlier invention than they claim.....	53
not evidence for the signer.....	53
motion to postpone time for filing.....	53
Records of Office and books in library may be used as evidence.....	Sec. 6, 113
notice of intent to use them to be given.....	Sec. 6, 113
Re-examination of applications.....	3
Reference letters in drawing; directions.....	1, 19
References, specific, to be furnished if demanded.....	34
copies of, to be furnished if requested.....	34
if rejected cases, all needful information given.....	35
Rehearing of interferences, on what showing granted.....	62
Reissues, to whom granted, and in what cases.....	62
when the inventor or assignee must sign application.....	62

	No. of paragraph.
Reissues, what must accompany the petition.....	63
the original patent must be surrendered.....	67
loss of original patent must be shown, and a copy furnished.....	67
patent may be returned if any claim is refused.....	67
what may be embraced.....	64
no new matter to be introduced into specification.....	64
drawings and model to be amended only by each other; exceptions.	64
take precedence in order of examination.....	29, 65
original claims subject to re-examination.....	67
may be in several divisions.....	66
no division to be issued till all are decided.....	66
when the reissued patents expire.....	65
Rejected cases, how renewed.....	39-41
Rejection of application, applicant to be notified.....	33, 34
Renewed applications.....	39, 41
Service of notices.....	50, 71, 75, Secs. 1, 2, 113
Signatures to petition and specification.....	8, 9, 17
drawings.....	9, 19
Specifications, what is required in them.....	12-17
must point out new improvements specially.....	14
and distinguish between what is new and old.....	14
must be followed by a distinct claim.....	12
how signed and witnessed.....	17
must contain but one invention, unless connected.....	15
if more, such to be struck out as applicant elects.....	16
to be amended and revised as examiner requires.....	36
will not be returned for that purpose.....	37
copies will be furnished.....	37
each division on a reissue to have a distinct one.....	66
for a design, requisites.....	81
for a trade-mark, requisites.....	84
aid of counsel in preparing them recommended.....	131
Specimen drawings furnished on request.....	21
Specimens of compositions when required.....	24
Subpœnas for witnesses to be issued by clerks of United States courts.....	117
Substitution of attorney made only by one expressly authorized.....	132
Supreme court of the District of Columbia, appeals to.....	47
how to institute and prosecute appeals to.....	47
appeals to, do not lie in interference cases.....	48
Testimony in interference cases, in what order to be taken.....	57
postponement of taking, how obtained.....	58
in extension cases, what is required.....	73
when to be taken, and by whom.....	74, 76
when <i>ex-parte</i> depositions may be used.....	Sec. 4, 113
notice of taking, and service.....	77
closing the same, and postponements.....	78
in general, rules for taking.....	113
what notice to be given of taking, and how served.....	Sec. 1, 113
what proof of service required.....	Sec. 2, 113
must be attached to the deposition.....	Sec. 2, 113
depositions to be certified by magistrate, and how.....	Sec. 3, 113
how to be closed and forwarded.....	Sec. 3, 113
rules for drawing them up.....	114, 115
if prevented from being taken, proceedings for relief.....	Sec. 5, 113

	No. of paragraph.
Testimony, caveat must be filed, if relied on, or a copy	Sec. 6, 113
records of the Office and books in the library made evidence	Sec. 6, 113
notice must be given previously	Sec. 6, 113
depositions not pursuant to the rules inadmissible	116
exceptions to depositions, when allowed	116
when they must be taken	116
notice of them to be given immediately	116
when open to inspection, and copies furnished	118
printing of them required in general	118
attendance of witnesses, how secured	117
Trade-marks, who may obtain exclusive title to	84
what he must do to obtain it	84
how long the right will endure	85
characteristics essential to their validity	86
may be illustrated by photographs, &c.	87
ten extra copies required in each case	87
to follow the same rules as in design cases	87
certain exceptions	Sec. i, 19
assignment and fees	88
when to be recorded	88
Withdrawing papers not allowed	37, 122
Witnesses, their attendance, how secured	117

INDEX TO FORMS.

	Form.
Petition, by a sole inventor.....	1
by joint inventors.....	2
by an inventor for himself and an assignee.....	3
by an administrator.....	4
by an executor.....	5
for a reissue (by an inventor, for himself or an assignee)	6
(by assignees).....	7
for an extension, (by a patentee).....	8
(by an administrator).....	9
for a patent for a design.....	10
for registration of a trade-mark.....	11
for registration of a label.....	Appendix.
for the renewal of a rejected application.....	12
for the renewal of a forfeited application.....	12
with power of attorney.....	13
Power of attorney.....	14
revocation of.....	15
Specification, for a machine, (with drawing).....	16
for a process.....	17
for a composition of matter.....	18
for a design.....	19
for a trade-mark.....	20
amendment of.....	21
Oath, by a sole inventor, (citizen of the United States or alien).....	22
by an applicant for reissue, (inventor)	23
(assignees)	24
extension, (patentee).....	25
(executor)	26
supplemental, to accompany a new or enlarged claim.....	27
to the loss of letters patent.....	28
by an administrator as to loss of letters patent.....	29
by an applicant for the registration of a trade-mark.....	30
Appeals from an examiner to examiners-in-chief, (<i>ex-parte</i> cases).....	31
examiner of trade-marks to Commissioner.....	31a
(interferences).....	32
examiners-in-chief to Commissioner.....	33
Commissioner to Supreme Court of the District of Columbia.....	34
rules of the Supreme Court in.....	35
Disclaimer.....	36
Caveat.....	37
Assignments, entire interest, (before issue of patent).....	38
(in patent).....	39
undivided interest in patent, including extension.....	40
exclusive territorial grant.....	41
License, shop-right.....	42
with royalty.....	43
Trade-mark, transfer of.....	44

	Form.
Extensions, statement and account.....	45
reasons of opposition, (by individuals).....	46
Depositions, notice of taking testimony, and proof of service.....	47
form of.....	48
certificate of officer	49
Label	Appendix.

The following rules have been modified in this edition :

Rules 57, 59.

Added : Appendix on registration of prints and labels.

APPENDIX.

REGISTRATION OF PRINTS AND LABELS.

By an act of Congress approved June 18, 1874, (to take effect on and after the 1st day of August, 1874,) it is provided that certain prints and labels may be registered in this Office.

SEC. 3. That in the construction of this act the words "engraving," "cut," and "print" shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be entered under the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is hereby charged with the supervision and control of the entry or registry of such prints or labels, in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print, or label, not a trade-mark, six dollars, which shall cover the expense of furnishing a copy of the record under the seal of the Commissioner of Patents, to the party entering the same.

SEC. 4. That all laws and parts of laws inconsistent with the foregoing provisions be, and the same are hereby, repealed.

SEC. 5. That this act shall take effect on and after the 1st day of August, eighteen hundred and seventy-four.

Approved, June 18, 1874.

By the word "print," as used in the said act, is meant any device, picture, word or words, figure or figures (not a trade-mark) impressed or stamped directly upon the articles of manufacture, to denote the name of the manufacturer, or place of manufacture, style of goods, or other matter.

By the word "label," as therein used, is meant a slip or piece of paper, or other material, to be attached in any manner to manufactured articles, or to bottles, boxes, and packages containing them, and bearing an inscription, (not a trade-mark,) as, for example, the name of the manufacturer or the place of manufacture, the quality of goods, directions for use, &c.

By the words "articles of manufacture," to which such print or label is applicable by said act, are meant all vendible commodities produced by hand, machinery, or art.

But no such print or label can be registered unless it properly belong to an article of commerce, and be as above defined; nor can the same be registered as such print or label when it amounts in law to a technical trade-mark.

To entitle the owner of any such print or label to register the same in this Office, it is necessary that five copies of the same be filed, one of which copies shall be certified under the seal of the Commissioner of Patents, and returned to the registrant.

FORM OF APPLICATION FOR REGISTRATION.

[Making necessary changes to suit each case.]

[FOR AN INDIVIDUAL.]

To the Commissioner of Patents:

The undersigned, John Fisher, of the city of Brooklyn, county of Kings, and State of New York, and a citizen of the United States, [or resident therein, as the case may be,] hereby furnishes five copies of a print, [or "label," as the case may be,] of which he is the sole proprietor.

The said print [or "label"] consists of the words and figures as follows, to wit: [Description.]

And he hereby requests that the said print be registered in the Patent Office, in accordance with the act of Congress to that effect, approved June 18, 1874.

BROOKLYN, N. Y., August 1, 1874.

Proprietor.

[FOR A CORPORATION.]

The applicant, a corporation created by authority of the laws of the State of New York, [or other authority, as the case may be,] and doing business in said State, hereby furnishes five copies of a label, [or "print," *as the case may be,*] of which it is the sole proprietor.

The said label consists of the words and figures as follows, to wit: [Description.]

And it is hereby requested that the said label be registered in the Patent Office, in accordance with the act of Congress to that effect, approved June 18, 1874.

Witness the seal of the said corporation at ———, ———, 1874.

[SEAL.]

—————,
President, [or other officer.]

The certificate of such registration will continue in force for twenty-eight years.

The fee for registration of a print or label is six dollars, to be paid in the same manner as fees for patents.

The benefits of this act seem to be confined to citizens, or residents, of the United States.

